

DISTRICT : SOUTH 24 PARGANAS

IN THE COURT OF : JUDICIAL MAGISTRATE, 1ST COURT, SEALDAH

PRESENT : PAMELA GUPTA
Judicial Magistrate, 1st Court
Sealdah, South 24 Parganas

Thursday the 09th day of July, 2026

GR Case No. 2078/2017
(CIS Regn. No. 2078/2017)
CNR No. WBSP0A-002850-2017
TR No. 253/2018

The allegation under Section 341/323/506/114 Indian Penal Code, 1860 arising out of Ultadanga PS Case no. 234 dated 27.07.2017.

Complainant State of West Bengal
Madina Begum (De facto complainant)

Represented by Ld. APP Sri Arindam Chatterjee

Accused Zarina Bibi @ Begum W/O Asgar Ali... A1
Asgar Ali S/O Lt. Md. Majnu Mia ... A2
All residing at 1/5H J.K Ghosh Road, PS-
Ultadanga, Kolkata-67.

Represented by Ld. Defense Counsel Mr. Rajendra Prasad Das

Date of offence	27.07.2017
Date of FIR	27.07.2017
Date of charge sheet	18.11.2017
Date of plea hearing	02.07.2018
Date of commencement of evidence	15.01.2019
Date on which Judgment is reserved	16.06.2026
Date of the Judgment	09.07.2026
Date of the sentencing order, if any	Not applicable

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Date of Offences oncharged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Section 428 of CR.P.C
A-1	Zarina Bibi @ Begum	Surrendered on 08.08.2017	08.08.2017	Sections 341/323/506/114	Acquitted	Not applicable	Not applicable
A-2	Asgar Ali	Surrendered on 08.08.2017	08.08.2017	Sections 341/323/5	Acquitted	Not applicable	Not applicable

08.08.2017

06/114

List of Prosecution witnesses:

Rank	Name	Nature of evidence
PW1	Swapan Kumar Das	Police witness (Investigating)

List of Prosecution exhibits:

Serial No.	Exhibit Number	Description
01	Exhibit P1	Formal FIR

Defense witness: No evidence was adduced from the side of the accused persons.

Court witness: Nil

JUDGMENT

1. Prosecution case:

1.1 The prosecution case arises from a First Information Report lodged by the de facto complainant (hereinafter referred to as the D/C) received to the effect that on 27.07.2017, at about 07:00 hours, the accused persons being aided and abetted with each other wrongfully restrained the D/C and assaulted her with fists and blows and threatened her of dire consequences. The cumulative effect of such events gave rise to the instant case.

1.2 Over the complaint one specific case being no. Ultadanga PS Case no. 234 dated 27.07.2017 u/s 341/323/506/114 of Indian Penal Code, 1860 was registered against all the accused persons.

2. Investigation and filing of charge-sheet:

2.1. After investigation, Police submitted charge-sheet no. 175/2017 dated 18.11.2017 against all the accused persons u/s 341/323/506/114 of Indian Penal Code, 1860.

2.2 The cognizance of the case was taken by the Ld. Additional Chief Judicial Magistrate, Sealdah on 02.02.2018 and the record was sent to this Court for disposal.

3. Appearance and plea:

3.1 On perusal of the materials on record, it appears that after the case record was transferred to this Court, all the accused persons were examined under Section 251 of Code of Criminal Procedure. The substance of the accusation was read over to the accused persons to which they pleaded “not

guilty” and claimed to be tried. Such being the case, the accused persons were charged for commission of offences punishable u/s- 341/323/506/114 of Indian Penal Code, 1860.

4. Commencement of trial and examination of accused under Section 313 of the Code of Criminal Procedure:

4.1 After hearing of plea, the trial commenced by taking evidence of one prosecution witness. CSW-5 namely, Swapan Kumar Das was examined as P.W1 and discharged. Thereafter, on completion of evidence, the accused persons were examined u/s 313 of the Code of Criminal Procedure and they all pleaded innocence and declined to adduce any evidence on their behalf. Argument is heard.

5. Points for determination:

- 1) Whether the accused persons have committed the offences u/s- 341/323/506/114 of Indian Penal Code, 1860 ?
- 2) Whether the prosecution has proved the guilt of the accused persons beyond any reasonable doubt ?

6. Decision with reasons:

6.1 For the sake of brevity and convenience, both the points are taken together for consideration.

For the sake of brevity and convenience, both the points are taken together for consideration. From the substance of evidence of the witness i.e., P.W 1, it reveals that the witness is the Investigating Officer of the case. PW1 deposed on the mode and manner of investigation carried by him in the matter. He narrated that after being endorsed in this regard by the O/C Ultadanga PS he had drawn up the formal FIR, investigated the case, visited the P.O, examined the witnesses and seized some documents and further arrested the accused persons. However, barring the lone testimony of the Investigating Officer, there is no other credible evidence on record to establish the accusation against the accused persons. The summons upon the CSW 1 (D/C) was received as sumonee not found.

Thus, even after exhaustion of all the materials available on record, there is not a single scrap of evidence whether ocular or documentary which even remotely proves the accusation as levelled against the accused persons. No other prosecution witness was adduced to substantiate the allegation levelled by the D/C. As a result, culpability of the accused persons cannot be drawn in the event of the alleged cause of action itself becoming suspicious.

It is a well-settled principle that the prosecution must prove its case beyond reasonable doubt to sustain the accusation of the accused persons which they have failed to discharge in this case. Thus, the case fails miserably and this Court has no other alternative but to hold the accused persons innocent and accordingly acquit them from the charges of this case.

Hence, it is

ORDERED

that the accused persons namely, 1) Zarina Bibi @ Begum and 2) Asgar Ali are found not guilty of committing the offences punishable under sections 341/323/506/114 Indian Penal Code and they are hereby acquitted under provisions laid down under Section 255(1) of Code of Criminal Procedure.

The accused persons be discharged forthwith from their bail bonds and set at liberty. The sureties be discharged from their respective bail bonds.

In view of the direction of the Hon'ble Court In Sabitri Bhunya Vs. State of West Bengal and Others vide CRA 266 of 2020 with CRAN 1 of 2020, the victim has right to prefer an appeal and if necessary to avail free legal assistance through the Legal Service Authority Concerned to prefer and prosecute such appeal.

In view of the direction of the Hon'ble Court In Sabitri Bhunya Vs. State of West Bengal and Others vide CRA 266 of 2020 with CRAN 1 of 2020, let a copy of this judgment be forwarded to District Magistrate, South 24 Parganas and D.L.S.A., South 24 Parganas for due intimation to the victim.

Copy of this judgment be supplied to the aggrieved person and the accused free of cost and if applied for, certified copy of the same be also supplied.

The case is thus, disposed of.

Note in the relevant register.

Dictated and Corrected by me

Sd/- Pamela Gupta
Judicial Magistrate
1st Court, Sealdah

(Pamela Gupta)

Judicial Magistrate
1st Court, Sealdah

(J/O Code: WB01440)