

**IN THE COURT OF 13th JUDICIAL MAGISTRATE,
CALCUTTA.**

Present : SANDIPAN GOSWAMI,

Judicial Magistrate, 13th Court, Calcutta

Date of Judgment: 20th December, 2025

G.R. No. 750/2022

TR. No. 16898/2022

Reg No. GRN-750/2022

CNR No. WBCS02-145876-2022

Complainant	STATE OF WEST BENGAL
Represented by	Arup Chakraborty, Ld. APP
Accused	1. Punam Mali, W/o- Late Subhash Mali Of 37, Darp Narayan Tagore Street, Beadon Street, Kolkata, West Bengal-06. 2. Neha Mali, D/o- Late Subhash Mali of 37, Darp Narayan Tagore Street, Beadon Street, Kolkata, West Bengal-06.
Represented by	Noman Rushdi, Ld. Advocate

Date of Offence	15-06-2022
Date of FIR	15-06-2022
Date of Chargesheet	25-07-2022
Date of plea taken	13-03-2024
Date of commencement of Evidence	13-05-2024
Date on which Judgment is reserved	N.A.
Date of Judgment	20-12-2025
Date of Sentencing Order, if any	Acquitted

ACCUSED DETAILS							
Rank of the accused	Name of the Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
A-1	Punam Mali	N.A.	20-06-2022	U/s. 341/323/506/114 of IPC	Acquitted	Nil	Nil
	Neha Mali	N.A.	20-06-2022	U/s. 341/323/506/114 of IPC	Acquitted	Nil	

LIST OF PROSECUTION WITNESS		
Rank	Name	Nature Of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness
PW-1	Santosh Kumar Gupta	Defacto Complainant
PW-2	Prasenjit Paul	I/O of this case

LIST OF DEFENCE WITNESS		
Rank	Name	Nature Of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness
NIL	NIL	NIL

LIST OF COURT WITNESS		
Rank	Name	Nature Of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness
NIL	NIL	NIL

LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
1	Exhibit-1	Signature of P.W.-1 in the written complaint
2	Exhibit-2	Formal F.I.R.

LIST OF DEFENCE EXHIBITS		
Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

LIST OF COURT EXHIBITS		
Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

LIST OF MATERIAL OBJECTS		
Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

JUDGMENT

Prosecution's Case

1. The origin of the present case lie in a complaint filed by with the Posta Police Station. In the complaint, it was alleged that on 15-06-2022 at about 9.00 hours, the accused persons being aided and abetted with each other, wrongfully restrained the complainant and his two brothers namely Rajesh Gupta and Rakesh Gupta and accused persons also used most filthy languages and threatened with dire consequences at 11C, Kalakar Street. Hence, this case.
2. Based on these allegations, Posta PS case number 86 was opened on 15-06-2022 under Sections 341/323/506/114 of the Indian Penal Code. After investigation, a chargesheet was submitted against the present accused person for allegedly committing offenses punishable under Sections 341/323/506/114 of I.P.C. The substance of this accusations was read over and explained to the accused persons individual, who pleaded their innocence and claimed to be tried.

Defence's case

3. General plea of innocence was all that the defense required to combat the barrage of charges levelled against the accused persons.

Points for Consideration

- i. Whether the prosecution has proved its case against the accused persons ?

Decisions with reasons

4. Witnesses provide crucial information in legal proceedings. In a criminal case, the burden of proving the guilt of the

accused beyond any reasonable doubt is always on the prosecution. In this instance, however, the prosecution has failed to do as the witnesses have failed to establish the prosecution's case.

5. Out of the three private witnesses, including the defacto complainant cum victim, the prosecution could produce none to depose in this case. The prosecution was able to produce only one police witness i.e. the I/O of this case.
6. It is settled position of law that the statements/allegations made in the first information report (written complaint), which form the foundation of a criminal case, is not a substantive piece of evidence. It is only the testimony of the complainant or the alleged victim, which is considered substantial evidence that can be considered by the Court for adjudicating the guilt of the accused in a given case. However, in the present case, there is no such credible or cogent substantial evidence that can assist the prosecution's case against the accused.
7. In evidence, P.W.-1 deposed on dock that He stated that he was the complainant of this case. He filed this case against the accused persons. He identified the accused persons, who are present before this Court on that day. He further stated that he filed a typed complaint before the Posta P.S. in his letterhead and the complaint was typed as per his instruction and he put his signature on going through the contents of the same and the signature of the complainant was marked as **Exhibit-1**. He stated in his examination-in-chief that he did not remember anything about the incident as the incident took place long back.
8. In evidence, P.W.-2 deposed on dock that On 15-06-2022, he was posted at Posta P.S as S.I. of Police. On that day, he received a written complaint from the complainant namely Santosh Kumar Gupta. On the basis of this complaint, Posta P.S. case no.86 dated 15-06-2022 was started against the accused persons u/s **341/323/506/114** of I.P.C. He filled-up the Formal FIR and the formal FIR was written by him and

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it bore the endorsement of O/C and he signed there and the formal FIR was marked as **Exhibit-2**. He was endorsed with the investigation of this case by the then O/C of Posta P.S. He was the IO of this case. He visited the P.O and examined the witnesses and recorded their statements u/s 161 Cr.PC. After completion the investigation, he submitted charge sheet being no. **105/2022** dated 25-07-2022 U/s. **341/323/506/114 IPC** against the accused persons.

9. Given the trend of evidence adduced by the material witness, the accused persons prayed for closure of prosecution's evidence and the prosecution obliged as it did not pursue to adduce any further evidence in this case.
10. As the defacto complainant did not state anything regarding the alleged incident, the narrative provided in the FIR could not be substantiated before this Court.
11. Upon full consideration of the prosecution's evidence, it is clear that the prosecution failed to prove the charges against the accused persons beyond reasonable doubt. Therefore, the accused persons are entitled to acquittal in this case.

Conclusion

Hence, it is

ORDERED

That the accused persons, namely Punam Mali and Neha Mali are found not guilty of committing the offences punishable under sections 341/323/506/114 of the Indian Penal Code, 1860, and they are acquitted under section 255(1) of Cr.P.C.

The accused persons on Court bail are discharged forthwith from their bail bonds and set at liberty. The concerned surety is also discharged from his obligation.

Typed and Printed by me,

**Judicial Magistrate,
13th Court, Calcutta**

**Judicial Magistrate
13th Court, Calcutta
JO Code: WB01448**