

G.R. CASE NO 951/2026 (CIS no 951/2026)
State of West Bengal Vs Sk Firoj@Firoj Sk
under section 85 of the Bharitya Naye Sanghita 2023

District Birbhum, State West Bengal
State of West Bengal Vs Sk Firoj@ Firoj Sk
Present before Smarajit Roy , Chief Judicial Magistrate , Malda

FORM A

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DIST MALDA	
<i>Present : Sri Smarajit Roy, CJM, Malda JO Code WB 01016</i>	
<i>[Dated :-18.06.2026]</i>	
GR Case No 951/2026 CIS No 951/2026 TR No 257/2026 CNR No WBML020013282026	
<i>(English Bazar PS Case 2082 dated 16.9.2025 under section 85 / 118(1) / 351(2) of BNS Act)</i>	
<i>Complainant</i>	STATE OF WEST BENGAL
<i>Represented by</i>	Sri Debajyoti Paul , Ld APP
<i>Accused</i>	Sk Firoj@ Firoj Sk
<i>Represented by</i>	Ld Advocate Sadekul Islam

FORM B

<i>Date of Offence</i>	16.9.2025
<i>Date of FIR</i>	16.9.2025
<i>Date of Charge sheet</i>	31.12.2025
<i>Date of Examination of the accused persons u / s 263 of BNSS Act</i>	7.5.2026
<i>Date of Commencement of Evidence</i>	14.5.2026
<i>Date on which Judgment is reserved</i>	18.06.2026
<i>Date of Judgment</i>	18.06.2026
<i>Date of the sentencing order, if any</i>	N.A

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Accused Details

<i>Rank and name of the Accused person</i>	<i>Date of arrest /surr ender</i>	<i>Date of release on bail</i>	<i>Offence charged with</i>	<i>Whether acquitted or convicted</i>	<i>Sentenc e imposed</i>	<i>Period of detention undergone during Trial for purpose of section 428 Crpc</i>
<i>Sk Fiorj@ Firoj Sk</i>			<i>U/S 85 BNS Act</i>	<i>Acquitted</i>	<i>NA</i>	<i>NA</i>

Form C

A Prosecution

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES</i>
<i>PW1</i>	<i>Tahera Bibi</i>	<i>Defacto complainant.</i>

B. Defence witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A Prosecution

<i>Sl Number</i>	<i>Exhibit</i>	<i>Description</i>
<i>1.</i>	<i>P-1/PW1</i>	<i>Signature of PW1 on the complaint</i>

B. Dwe fence: Nil

C. Court Exhibites: Nil

D. Material Objects: Nil

Judgment

Case of the prosecution came into trial under section 85 of Bharatiya Naya Sanghita 2023

Facts of the Case

The fact of this case is that the defacto complainant Tahera Bibi was married with the accused Sk Fiorj but soon after the marriage she was subject to torture by her husband

and the torture increased day by day for which she was compelled to lodge the FIR with the PS.

The information being cognizable in nature the Police started specific case and after completion of investigation, submitted charge sheet against the accused person namely Sk Firoj@ Firoj Sk under section 85/115(2)/351(2) of Bharatye Naye Sanghita 2023

The trial commenced and the accused person facing the trial were examined under section 263 of the Bharatye Nagrik Suraksha Sanghita 2023 and charge was framed against the accused persons under section 85 of Bharatye Naye Sanghita 2023 to which he pleaded not guilty and claimed to be tried.

The accused person was not examined as per provisions of section 351 of the BNSS Act as there was no materials to examine him.

The accused persons never preferred for adducing any witness on their part in spite of the opportunity given to them .

Points of determination

- 1. Whether the accused person have committed any offense punishable under section 85 of Bharatye Naye Sanghita 2023 ?*
- 2. Whether the prosecution has been able to establish the case against the accused person beyond all reasonable doubts?*

Decision with reasons

The law of the Land

It is the settled legal requirement, according to the section 101 of the Indian Evidence Act, 1872 that “whoever desires any Court to give judgment as to any legal right or liability dependent on existence of facts which he asserts must prove that those facts exist.

When a person is bound to prove the existence of any fact it is said that the burden of proof lies on that person.”

“The above rule has been derived from the Roman Law and is supportable not only upon the ground of fairness, but also upon that all the greater practical difficulty

which is involved in proving a negative than in proving an affirmative” (Halsbury's Laws of England 3 rd Edition Vol-15, page 488).

Depositions of the witnesses

PW1 Tahera Bibi during her examination in chief submitted that though she lodged the FIR but the same was filed out of misunderstanding owing to a dispute but she cannot recollect anything and nothing happened with her and at present she is staying at her husband's house peacefully.

Her cross examination she submitted that she have no allegations against anyone

Argument placed

Heard argument in full

Conclusion drawn

The prosecution story was triggered up with the allegations raised on the part of the informant cum defacto complainant Tahera Bibi against her husband facing the trial of domestic assault and torture but the fact place on the platter at the time of deposition by the defacto complainant while deposing as PW1 the defacto complainant was not supportive to the story of the prosecution and submitted that as a dispute took place as such the case was filed and she specifically submitted that she is residing at her matrimonial house happily .

The prosecution badly failed to establish its case and there was not a single iota of evidence attracting the ingredients of section 85 of the BNS Act.

Hence, it is

Ordered

That the accused persons namely Sk Firoj@ Firoj Sk is found not guilty of committing any offence punishable under section 85 of Bharatye Naye Sanghita 2023.

The accused person is acquitted from this case as per provisions of section 271 (1) BNSS Act and person be released from his respective bail Bond at once. However, the Surety stands discharge after the lapse of period of six months as per the provision of 481 BNSS Act

Any alat, if seized in connection of this case, be disposed of as per the provision of law.

The victim shall have the right to prefer an appeal as per the proviso of section 413 of the BNSS Act and if necessary may avail free Legal Aid and assistance from the legal services authority concern to prefer an prosecute such appeal.

Let a copy of this judgment be forwarded to the Ld. Secretary, DLSA, Malda for information to the victim in terms of the provision of Section 2 (y) of BNSS Act .

Let a copy of this judgment be also forwarded to the District Magistrate, Malda, for information to the victim in terms of the provision of Section 2 (y).BNSS Act.

Typed and corrected by me

**Smarajit Roy
CJM Malda
JO Code WB 01016**

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