

From No. (M) 34

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, JHARGRAM	
Present : Sri Manabendra Nath Ghosh	
[J.O Code: WB01229]	
Chief Judicial Magistrate, Jhargram.	
[Date of the Judgement: 25-08-2025]	
[Case No. GR 779/2021]	
T.R No. 68/2022	
Reg. No (CIS No.). GR 426/2022	
CNR No. WBWM07-000947-2022	
(FIR No. 38/2021 dated 07-09-2021 u/s 447/323/325/354B/34 of IPC. Police Station- Belpahari)	
COMPLAINANT	STATE
REPRESENTED BY	ANIL KUMAR MONDAL ASSISTANT PUBLIC PROSECUTOR
ACCUSED	1.SAHAZAD HOSAIN S/O-LATE SARAF HOSAIN, 2.RUKAIYA KHATUN W/O-SAHAZAD HOSAIN, 3.SAHANA HUSAIN D/O-SAHAZAD HOSAIN, 4.AFSANA HUSAIN D/O-SAHAZAD HOSAIN, ALL ADDRESS: VILL-MURANSOLE, P.S.BELPAHARI DIST.JHARGRAM
REPRESENTED BY	TAPAN KUMAR SINHA

Form No. (M) 35	
Date of Offence	06-09-2021
Date of FIR	07-09-2021
Date of Charge-sheet	23-09-2021
Date of taking plea/charge	11-09-2023
Date of commencement of Evidence	05-03-2024
Date on which Judgement is reserved	N/A
Date of the Judgement	25-08-2025
Date of the Sentencing Order, if any	Not required

Accused details:

Rank of Accused	Name of the Accused	Date of Arrest/ Surrender	Date of release on Bail	Ofences charged with	Whether Acquitted or Convicted	Sentence imposed	Period of detention undergone fopr the purpose of section 428, CR.P.C
1.	Sahazad Hosain	20-09-2021	20-09-2021	447/323/325/354B/ 34 of IPC	Acquitted	Nil	Nil
2.	Rukaiya Khatun	20-09-2021	20-09-2021	447/323/325/354B/ 34 of IPC	Acquitted	Nil	Nil
3.	Sahana Husain	20-09-2021	20-09-2021	447/323/325/354B/ 34 of IPC	Acquitted	Nil	Nil
4.	Afsana Husain	20-09-2021	20-09-2021	447/323/325/354B/ 34 of IPC	Acquitted	Nil	Nil

(Manabendra Nath Ghosh)
CJM, Jhargram
Date:25-08-2025

Form No. (M) 36

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.1	Smista Dasgupta Khan	Other Witness
P.W.2	Sayen Khan	Other witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,EXPERT WITNESS,MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil		

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,EXPERT WITNESS, MEDICAL WITNESS,PANCH WITNESS, OTHER WITNESS)
Nil		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
Nil		

B. Defence:

Sr. No.	Exhibit Number	
Nil		

Form No. (M) 34

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil		

(Manabendra Nath Ghosh)
CJM, Jhargram
Date:25-08-2025

PROSECUTION CASE IN A NUTSHELL:

The compendium of the prosecution case, as unfolded during trial stands as follows:

The prosecution case, details apart in short is that the de facto Complainant Dil Mahamad Khan S/O Late Yasin Khan of Vill-Muransole, P.S Belpahari Dist.Jhargram has lodged a written complaint to the I/C, Belpahari P.S., to the effect that on 06-09-2021 in the afternoon an incident took place centering on the village boys game the about 12 P.M the accused persons namely Sahazad Hosain, Rukaiya Khatun, Sahana Husain and Afsana Husain came in front of the house of the defacto complainant and abused them by using filthy languages and physically attacked upon the wife and her sister-in laws of the complainant and assaulted them and tore their cloths and after that they were treated at Belpahari R.H.

DEFENCE CASE IN NUTSHELL:

Defence case as can be captured from the cross examination of the prosecution witnesses and examination of the accused person u/s 313 of Cr.P.C is the total denial of the prosecution case.

THE INVESTIGATION:

After receiving complaint, I/C, Belpahari P.S. started this case being no. 38/2021 dated 07-09-2021 u/s 447/323/325/354B/34 of the Indian Penal Code (in short IPC) was initiated and A.S.I Subrata Neogi was endorsed with the investigation. The said I.O. of this case visited the place of occurrence, recorded the statement of the witnesses under section 161 of Cr.P.C and when he collected sufficient evidence and a prima-facie case has been well established, then the I.O of this case as per the direction of his superior

(Manabendra Nath Ghosh)
CJM, Jhargram
Date:25-08-2025

submitted the Charge Sheet No. 43/2021 dated 23-09-2021 under sections 447/323/325/354B/34 of IPC against the accused persons.

CHARGE

After supply of copies to the accused persons, the case record has been transferred to this Court and after appearance before the Ld. Court, the substance of the accusation was read over to the accused persons on 11-09-2023 and a prima facie case has been made out against them u/s 447/323/325/354B/34 IPC where they pleaded not guilty and claimed trial.

EXAMINATION U/S 313 CR.P.C:

On 25-08-2025, the accused persons were examined u/s 313 Cr.P.C in which the accused persons stated that all the statements as adduced as evidence by the witnesses are false opined that this is a false case and they denied to adduce any D.Ws in support of their claim.

THE ARGUMENT:

Ld. A.P.P. argued that the prosecution witnesses failed to corroborate the story of prosecution and left the entire matter upon court for adjudication. On the other hand, Ld. Advocate for the accused persons argued that the witnesses did not make any incriminating allegation against the accused persons and therefore, the accused persons are liable to be acquitted.

POINTS FOR DETERMINATION:

- 1) Whether the accused persons assaulted the defacto complainant and his brother?
- 2) Whether the accused persons voluntarily caused grievous hurt to the brother and wife of the defacto complainant ?
- 3) Whether the accused persons can be convicted u/s 447/323/325/354B/34 of the I.P.C.?

(Manabendra Nath Ghosh)
CJM, Jhargram
Date:25-08-2025

DETERMINATION WITH REASONS:

Now let me discuss the evidences produced by the prosecution with a view to come to a decision keeping in mind the fundamental principle of criminal trial which stipulates that the burden of proving the guilt of the accused persons are entirely lies on the prosecution and the prosecution is to prove the guilt of the accused beyond reasonable doubt

All the points for determination are taken up for brevity of discussion.

At the time of evidence, P.W.1 in her examination-in-chief deposed that she know Dil Mohammad Khan and he is his brother-in-law and at present he was died and she do not know whether he has lodged any complaint or not and she know the person who present on dock as their neighbour and nothing was happened with her.

P.W.2 in his examination-in-chief he deposed that he know Dil Mohammad Khan and he is his brother and at present he was died and he do know that he has lodged a written complaint at Belpahari P.S and he know the person who present on dock as their neighbor and at present amicable settlement was held between them and he has no allegation against the persons on dock.

On careful perusal material evidence on record, it appears that it was alleged in the written complaint that to the effect that on 06-09-2021 in the afternoon an incident took place centering on the village boys game the about 12 P.M the accused persons namely Sahazad Hosain, Rukaiya Khatun, Sahana Husain and Afsana Husain came in front of the house of the defacto complainant and abused them by using filthy languages and physically attacked upon the wife and her sister-in laws of the complainant

(Manabendra Nath Ghosh)
CJM, Jhargram
Date:25-08-2025

and assaulted them and tore their cloths and after that they were treated at Belpahari R.H but the defacto complainant has been examined herself as (P.W.1) and the other witness as (P.W.2) and at the time of evidence they could not say anything in support of the contents of the written complaint and they categorically stated that they have no allegation against the accused persons.

On the basis of analysing the material evidences on record, it comes out that the allegations made in the written complaint are not clearly established against the accused persons. So, it is not clear that the alleged incident was caused by the accused persons and after perusal of the evidences on record, this court has no hesitation to hold that the prosecution has failed to prove the case against the accused person to sustain the charge made against them and the accused person are entitled to be acquitted beyond reasonable doubt.

Hence it is

ORDERED

That the accused persons, namely, Sahazad Hosain, Rukaiya Khatun, Sahana Husain and Afsana Husain are found not guilty of the offenses U/Secs. 447/323/325/354B/34 I.P.C and is accordingly acquitted U/Sec. 248(1) of the Cr.P.C.

They are set at liberty at once.

Accused persons are discharged from their respective Bail Bond and the surety of each accused is released from his liability.

Let a copy of this judgement be sent to the District Magistrate, Jhargram.

Typed by me:

Sd/-
(Manabendra Nath Ghosh)
Chief Judicial Magistrate,
Jhargram.

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Jhargram.