

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL
MAGISTRATE (I/C), KALYANI, NADIA**

**PRESENT : Sri Pabitra Sen,
Addl. Chief Judicial Magistrate (I/C), Kalyani, Nadia**

In the matter of :-

**G.R. Case No.106 of 2023
C.I.S. Reg. No. G.R. Case No. 3534 of 2023
C.N.R. Reg. No. WBND0E-003534-2023
T.R. No. 94 of 2023
J.O. Code No. WB01019**

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In the matter of :- State of West Bengal

Vs.

1. Ashis Chakraborty and
2. Madhuri Chakraborty

.....Accused Persons

A case under sections : - 341/323/325/506/34 of Indian Penal Code

J U D G M E N T

Date of Delivery: 24/11/2023

1. The Prosecution case in short, is that, one Gouri Chakraborty, wife of Lt. Ashim Chakraborty, resident of Lalpur, P.S-Chakdaha, District – Nadia, the de facto complainant lodged a written complaint before IC, Chakdaha PS, Nadia to the effect that her husband died in the year 2017 and thereafter she came to know that her son Ashis Chakraborty, accused No.1 of this case, forcefully took signature of her husband and transferred their house in his name. When she raised protest, her son and daughter in law started torturing her physically and mentally. Finally on 25.07.2022, at about 5.00 pm due to some noise in her room, her daughter in law Madhuri

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Chakraborty, accused No.2 of this case started assaulting her mercilessly for which she sustained severe cut injury on her hand and was forced to take shelter at her daughter's house. She was also treated at Chakdaha State General Hospital. Hence, this case.

2. After receiving the written complaint, the instant case was started and after completion of investigation, Investigating Officer submitted charge-sheet being No. 524/2022, dated 26.08.2022 against accused persons namely 1. Ashis Chakraborty and 2. Madhuri Chakraborty for the commission of offence punishable under section 341/323/325/506/34 of Indian Penal Code.

3. Charge was framed against the accused persons for commission of offence punishable under section 341/323/325/506/34 of Indian Penal Code. The said charge was read over and explained to them to which they have pleaded by not guilty and claimed trial.

4. In order to prove the case, the prosecution has examined only one witness, whereas defence examined none.

5. The accused persons are examined u/S 313 Cr.P.C. They said that they were not guilty.

6. *Appreciation of Evidence :*

The de facto complainant cum victim as the PW-1 has stated that she has lodged a written complaint before IC, Chakdaha PS against her Asish Chakraborty and daughter-in-law Madhuri Chakraborty and identified them on dock. She further deposed that due to some family dispute in her home in between herself and the accused persons, she lodged the case and proved her signature on the written complaint lodged by her, marked as Exbt.1. The witness further stated that at present everything has been settled between them. She also does not have any allegation against the accused persons and could not say what is written on the written complaint lodged by her.

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7. *Considering the facts and circumstances and after considering the deposition as made by the witness, I hold that prosecution has failed to prove its case beyond all sorts of reasonable doubts and accused persons deserved to be acquitted from the instant case.*

8. *Hence, it is,*

ORDERED

that the accused persons, namely, 1. Ashis Chakraborty and 2. Madhuri Chakraborty are found not guilty for the commission of offence under section 341/323/325/506/34 of Indian Penal Code. They are hereby acquitted in terms of section 248(1) Cr.P.C. Sureties are discharged from their respective bail bonds. The accused persons are set at liberty. The instant case is disposed of accordingly. Dealing Assistant is directed to send the judgment in District Website. A copy of this judgment be sent to the office of the S.D.L.S.C, Kalyani, Nadia and a copy of this judgment be also sent to the office of the District Magistrate, Nadia at Krishnanagar. Note it in Trial Register.

Dictated and corrected by me,

<i>(SRI PABITRA SEN)</i>	<i>(SRI PABITRA SEN)</i>
<i>Additional Chief Judicial Magistrate (I/C)</i>	<i>Additional Chief Judicial Magistrate(I/C)</i>
<i>Kalyani, Nadia</i>	<i>Kalyani, Nadia</i>