

Form A

In the Judicial Magistrate 2nd Court Sealdah, 24 Pgs (S)

Present: Shri Shibasish Dey (WB01375)

Date of Judgement: 09.07.2026

Case No: GR 2894/2014 (CNR NoWBSP0A0032242016)

CIS- GR 2318/2016

(Details of FIR/Crime and Police Station)

Complainant: **State of West Bengal**

Represented by (Advocate) : Ld Asst Public Prosecutor

Accused persons: **1.Md. Jahangir**
2. Md. Alamgir

Represented by (Advocate): Md. Tawqueer Ld Counsel for the defense.

Form B

Date of offence	22.08.2014
Date of FIR	23.08.2014
Date of charge sheet	31.12.2014
Date of framing of charge	19.12.2017
Date of commencement of evidence	08.06.2018
Date on which judgment is reserved	09.07.2026
Date of judgment	09.07.2026
Date of the sentencing order, if any	NA

Accused details:

Ran k of acc use d	Name of accused	Date of arrest	Date of releas e on bail	Offense charged with	Whether acquitted or convicted	Sentenc e impose d	Period of detention undergon e during trial for purpose of section 428 CrPC
1.	Md. Jahangir	As per record	As per record	u/s 341/323/ 506/114 of IPC	The accused persons are Acquitted	NA	NA
2.	Md. Alamgir						

Form C**List of Prosecution/Defence/Court Witnesses****A. PROSECUTION**

RAN K	NAME	NATURE OF EVIDENCE (EYE EVIDENCE, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Afsana Khatoon	Complainant
PW2	Md. Allahuddin	Witness
PW3	Sultana Begum	Witness

B. DEFENCE WITNESS

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

C. COURT WITNESS

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

LIST OF Prosecution/Defence/Court Exhibits**A. PROSECUTION**

SL NO	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit- P1/PW1	Signature of the complaint

B. DEFENCE

SL NO	EXHIBIT NUMBER	DESCRIPTION
	NIL	

C. COURT

SL NO	EXHIBIT NUMBER	DESCRIPTION
	NIL	

D. MATERIAL OBJECTS

SL NO	MATERIAL OBJECT NUMBER	DESCRIPTION
	NIL	

JUDGMENT

Case of the prosecution:

The prosecution story in brief as under:-

The prosecution case in brief is that complainant filed a written complaint alleging that on 22.08.2014 a hot altercation took place with complainant's brother and the FIR name accused person . Thereafter the FIR name accused persons assaulted them and threatened them with dire consequences.

Thus on the basis of the allegation the present case was initiated against the accused persons.

That the investigating agency after completion of the investigation submitted charge sheet **U/S-341/323/506/114 OF I.P.C** against the accused persons.

Plea:- That after perusal of materials this court found materials **U/S-341/323/506/114 OF I.P.C** and the substance of accusation against the accused persons **U/S-341/323/506/114 OF I.P.C** was read over and explained, and they pleaded not guilty and claimed to be tried.

PROSECUTION WITNESSES:- That the prosecuting agency in order to prove the charge has bring 03 witnesses. Then prosecution evidence was closed on prayer of public prosecutor.

EXAMINATION U/Sec 313 Cr.P.C

At the end of the evidence of prosecution the accused persons were examined u/s-313 Cr.P.C where they pleaded their innocence and denied the prosecution case and also declined to produce any evidence in his favour.

POINT FOR CONSIDERATION

Whether the prosecution has been able to prove the charge beyond reasonable shadow of doubt by adducing valid and cogent evidence?

DECISION WITH REASONS

FINDINGS OF COURT:-To bring home the charge against the accused persons the prosecution has examined only 03 witness as the prosecution failed to produce rest of them . The evidence of PW1 to PW3 are not of sterling quality to be relied upon for securing conviction. It appears that the parties had ancestral property dispute amongst them. The Rehana Khatoon is dead since 2024. Prosecution has failed to corroborate this case adequately by bringing independent local witnesses in this case. After perusal of the evidence it is seen that no offence is being made out against the accused persons under any of the sections of law. Under the above circumstances, I find no incriminating material against the accused person. Therefore, I find that there is nothing in the evidence of the prosecution witness to entangle the accused persons against the alleged charge. Thus considering the oral and documentary evidence on record, surrounding circumstances, probabilities and improbabilities and the prevailing laws of the land, I am of the convinced opinion that the prosecution has totally failed to prove the charge against the accused persons beyond reasonable shadow of doubt by adducing valid and cogent evidence upon which the accused persons can be held guilty.

Finally this court shall conclude by mentioning the crucial observation of Honble **Justice Mr H R Khanna** in **Kali Ram Vs State of H.P 1973 (2) SCC 808** as : “ It is no doubt true that wrongful acquittals are undesirable and shake the confidence of the people in the judicial system, much worse however is the wrongful conviction of an innocent person. The consequences of the conviction of an innocent person are far more serious and its reverberations can not but be felt in a civilized society.”

Hence, it is,

ORDERED

that the accused persons viz. **.Md. Jahangir and Md. Alamgirb are** found not guilty of the charge **U/S-341/323/506/114 OF I.P.C** and thus they are acquitted from this case u/s **255 (1)** Cr.P.C and set at liberty. Sureties are discharged from their respective bail-bonds. BC II to send copies of the Judgement to office of DLSA Alipore and DM of this district. Victim shall have right to appeal and right to legal aid.

Typed, corrected & printed by me

Shibasish Dey
Judicial Magistrate
2nd Court Sealdah

Shibasish Dey
Judicial Magistrate
2nd Court Sealdah