

**Form A**

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALDIA, PURBA MEDINIPUR	
<b>Present :Md. Zafar Parwej</b> Addl. Chief Judicial Magistrate, Haldia, Purba Medinipur. <b>Date of Pronouncement of Judgment 06.04.2026.</b> <b><u>G.R. 1760 of 2019</u></b> <b><u>(C.I.S. No.-989 of 2023</u></b> <b><u>T.R. no. 467/2023</u></b> <b><u>(J.O. Code - WB -01212)</u></b>	
(Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL  OR NAME OF THE COMPLAINANT
REPRESENTED BY	ASSISTANT PUBLIC PROSECUTOR
ACCUSED	1. Sk. Abdul Kalam, 2. Aliya Bibi, 3. Sk. Abu Bakkar and 4. Sabila Bibi
REPRESENTED BY	Sk. Monsur Alam, Ld. Advocate of accused.

**FORM B**

Date of Offence	07.12.2019
Date of FIR	07.12.2019
Date of Charge-sheet	31.12.2019
Date of Framing of Charges	16.02.2026
Date of Commencement of Evidence	23.02.2026
Date on which Judgment is reserved	N.A.
Date of the Judgment	06.04.2026
Date of the sentencing Order, if any	N.A.

**Accused details:**

Name of Accused	Date of release or on Bail	Date of Offences charged with	Whether acquitted or	Sentence impo	Period of Detention Undergon

	arrest/surrender			convicted	sed	e during Trial for purpose of Section 428, Cr.P.C.
1.Sk. Abdul Kalam, 2. Aliya Bibi, 3. Sk. Abu Bakkar and 4. Sabila Bibi	No	30.11.13	us.341/354/506/34 of the I.P.C.	Acquitted	N.A.	N.A.

**Form C**

**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**

**A. Prosecution:**

RANK		NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Mahamuda Bibi	Complainant
PW 2	Sk. Hapijul	Witness
PW 3	Sk. Mantu	Witness

**B. Defence Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	None	-

**C. Court Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	None	-

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit 1	Complaint.
2	Exhibit 1/1	Signature on the complaint.

**B. Defence:**

Sr. No.	Exhibit Number	Description
1	None	None

**C. Court Exhibits:**

Sr. No.	Exhibit Number	Description
1	None	None

**D. Material Objects:**

Sr. No.	Exhibit Number	Description
1	None	None

**J U D G M E N T**

**Facts in Brief:**

1. The genesis of the present case lies in the written complaint filed by Mahamuda Bibi (hereinafter referred to as the complainant) in Nandigram P.S. The material fact, as delineated in the complaint that on 07.12.2019 at about 9:00 a.m. all the accused persons forcibly entered into the house defacto complainant. They hurled abusive languages, when she protested against the accused persons, they assaulted him with fists, blows and also outraged her modesty. Accused persons also took way a gold chain from her box worth of Rs. 23,000/-. Consequently, the complainant sustained injury and was treated in Nandigram S.S. Hospital.

2. Subsequently, the complainant filed the present complaint in Nandigram P.S., which led to the registration of Nandigram P.S. Case No. 416/19, dated 07.12.19. Upon completion of the investigation, charge sheet bearing No.

385/19, dated 31.12.2019 was submitted against the accused persons under Sections 447/323/354/379/506/34 of the Indian Penal Code.

**Cognizance of Offence:**

3. After receiving the final report by this Court, subsequently, cognizance of the offence was taken 27.02.20. The copy of complaint and the germane documents proposed to be relied on by prosecution, were served upon the accused.

**Charge Framed**

4. At the commencement of the trial, charge was framed against the accused person under Section 354/34 of Indian Penal Code. The content of the charge was read over and explained to the accused, to which they pleaded not guilty in Bengali that “Amra Nirdosh” and claimed to be tried.

**Evidence of Prosecution**

5. To arrive at just and proper adjudication of the present case, it is necessary to examine the evidence on record thoroughly and objectively.

**Mahamuda Bibi, complainant, has been testified as PW1.** He deposed that on the date of incident a minor dispute took place with the accused persons in connection family affairs which led a small fight. Thereafter in anger head we lodged this complaint against the accused persons. She was interrogated by police.

During cross-examination, the PW1 stated that she has no allegations against the accused persons and she has no objection if the accused persons are acquitted from this case. She denied that no such incident took place on the date and time.

**Sk. Hapijul, has been testified as PW2.** He deposed that on the date of incident a minor dispute took place with the accused persons in connection family affairs which led a small fight. Thereafter in anger head we lodged this complaint against the accused persons. He was interrogated by police.

During cross-examination, the PW2 stated that he has no allegations against the accused persons and he has no objection if the accused persons are acquitted from this case. He denied that no such incident took place on the date and time.

**Sk. Mantu, has been testified as PW3.** He deposed that on the date of incident a minor dispute took place with the accused persons in connection family affairs which led a small fight. Thereafter in anger head we lodged this complaint against the accused persons. He was interrogated by police.

During cross-examination, the PW3 stated that he has no allegations against the accused persons and he has no objection if the accused persons are

acquitted from this case. He denied that no such incident took place on the date and time.

After examination of the above mentioned witnesses Ld. Advocate for the accused persons filed a petition with a prayer for closing evidence on the ground that no incriminating materials came on record against the accused persons even after examining the vital prosecution witnesses.

Ld. P.P. also submitted for closing evidence nothing substantial came on record after examining the vital witnesses of this case.

**Hon'ble Supreme Court of India** several times contemplated in different judgments like **Meneka Gandhi Vs. Union of India and Hussainara Khatun Vs. State of Bihar** that speedy trial is a fundamental right of the accused person.

After hearing the Ld. PP, considering the facts and circumstances and to avoid wastage of judicial hour by simply parading the rest of the charge sheeted witnesses, the prayer of closing evidence was allowed for ends of justice and accordingly evidence was closed.

On careful perusal of the record, it appears that there is no incriminatory materials at all found against the accused persons. Accordingly the accused persons were dispensed with examination u/s 313 of Cr.P.C.

**Point for Determination**

6. The question that now falls for determination is whether the accused persons are liable to be convicted for the offence punishable under Section 354/34 of the Indian Penal Code.

**Arguments advanced by Learned Counsel for the Prosecution**

7. Heard the arguments advanced by learned Assistant Public Prosecutor (Ld. APP). He submitted that the prosecution has adduced sufficient and cogent evidence to establish the charge against the accused.

**Arguments Assailed by Learned Counsel for the Defense**

8. On the other hand, the Learned Counsel appearing on behalf of the accused submitted that the prosecution's case is riddled with inconsistencies and lacks credibility. He argued that the prosecution has failed to prove the allegations against the accused by any substantive or corroborative evidence. It was contended that the accused is completely innocent and has been falsely implicated in this case. The defense further submitted that the complaint has been lodged maliciously, with the sole intention of harassing the accused. Hence, Learned Counsel prayed that the accused be acquitted of the charge.

**Analysis of Evidence and Decision with reason.**

9. The complainant has filed this case with allegation that on 07.12.2019 at about 9:00 a.m. all the accused persons forcibly entered into the house defacto complainant. They hurled abusive languages, when she protested against the accused persons, they assaulted him with fists, blows and also outraged her modesty. Accused persons also took way a gold chain from her box worth of Rs. 23,000/-. Consequently, the complainant sustained injury and was treated in Nandigram S.S. Hospital.

To establish the allegations, the prosecution examined two witnesss. The prosecution case becomes strong with the proper oral evidence supported by the documentary evidence.

The prosecution case becomes strong with the proper oral evidence supported by the documentary evidence but here, the corroboration of the incident with the version of the complainant has not come before the Court. Whatever he has described in his written complaint has not been corroborated by any substantive evidence. On the contrary, the complainant and the victim himself deposed that they have no allegations against the accused persons, and have no objection if the accused persons acquitted from this case.

On careful perusal of his statement this Court found nothing against the accused persons. Complainant stated that she has no allegations against the accused persons and has no objection if the accused persons are acquitted from this.

On careful consideration of the materials on record as well as the evidence adduced by the witnesses, this Court finds that the prosecution fails to establish the allegations against the accused persons beyond the reasonable doubts.

The burden of proof that they are guilty, is on the prosecution and that the prosecution has to establish its case beyond all reasonable doubts. In other words, the innocence of an accused can be dispelled by the prosecution only on establishing his guilt beyond all reasonable doubts on the basis of evidence. The accused persons cannot be held guilty.

10. Hence, it is,

**ORDERED**

that the accused persons namely, 1.Sk. Abdul Kalam, 2. Aliya Bibi, 3. Sk. Abu Bakkar and 4. Sabila Bibi are found not guilty of the offence punishable under Sections 354/34 of the Indian Penal Code and is hereby acquitted under Section 248(1) of the Code of Criminal Procedure.

11. The accused persons are discharged from all liabilities of their bail bond and is set at liberty forthwith.

12. The seized articles, if any, shall be disposed of in accordance with law upon expiry of the appeal period.

Dictated and corrected by me,

Sd/-

ACJM, Haldia,  
Purba Mednipur.

Sd/-

ACJM, Haldia,  
Purba Mednipur.

**G.R. Case No. 1760 of 2019**

**Order dated 06.04.2026**

Today is fixed for examination of accused u/s 313 of Cr.P.C. and argument.

Record is taken up for examination of the accused persons u/s 313 of Cr.P.C.. On careful perusal of the record, it appears that there is no incriminatory materials at all found against the accused persons. Accordingly the accused persons are dispensed with examination u/s 313 of Cr.P.C.

Now, the record is taken up for hearing of argument.

Heard both sides.

Judgment will be delivered after recess.

Dictated and corrected by me.

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

**Later at 3:00 p.m.**

The case record is taken up for delivery of judgment.

Four accused persons are present along with their advocate. Ld. P.P. is also present.

Judgment is ready 7 pages and pronounced in open court by reading out the operative portion of the judgment.

Pronounce in open Court by reading out the operative portion of the judgment.

Hence, it is

**ORDERED**

that the accused persons namely, 1.Sk. Abdul Kalam, 2. Aliya Bibi, 3. Sk. Abu Bakkar and 4. Sabila Bibi are found not guilty of the offences under sections 354/34 IPC are acquitted under section 248(1) criminal procedure code. Seized articles if any, be disbursed to the lawful claimant after proper verification.

Accused persons be set at liberty forthwith. Bail bond is discharged.

Seized article if any be returned to the rightful claimant after expire of the appeal period in accordance with law.

Let a copy of the findings be intimated to the District Magistrate, Purba Medinipur and the Secretary, DLSA, Purba Medinipur since the accused persons are acquitted from the charges and the right to appeal against acquittal remains with the victim.

Note in the Trial Register.

Dictated and corrected by me.

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

