

Form A

IN THE COURT OF THE LD. JUDICIAL MAGISTRATE, 5th COURT AT HOWRAH	
Present : Smt. Anusha Lama, J.O. Code: WB01108 Judicial Magistrate, 5th Court, Sadar, Howrah.	
[DATE OF DELIVERY OF JUDGMENT: 09.06.2026]	
G.R.NO: 4820 of 2021 (CIS Number 363/2023) T.R. Number No.46/2023 (C.N.R No. WBHW04-000621-2023)	
Arising out of Panchla P.S. Case no. 305/2021 dated 31.08.2021 under Sections 341/323/325/354B/427/506 of I.P.C.	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Ld. APP in-charge Nilanjan Pandit
ACCUSED	1. Saidul Mallick, S/o- Sahadat Mallick of Jujarsha Malipukur, Panchla P.S. District- Howrah.
REPRESENTED BY	Ld. Advocate TANMAY CHATTERJEE

Form B

Date of Offence	23.08.2021
Date of FIR	31.08.2021
Date of Charge Sheet	29.10.2021
Date of Framing of Charges	22.11.2023
Date of Commencement of Evidence	08.07.2024
Date on which Judgment is reserved	N.A.
Date of the Judgment	09.06.2026
Date of the Sentencing Order, if any	N.A.

Accused details :

Rank of the Accused	Name of Accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
01.	Saidul Mallick	NOT ARRESTED	29.11.2021	U.S. 341/323/325/354B /427/506 of I.P.C.	ACQUITTED	N.A	N.A

Form C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Abika mALLICK	De facto complainant

B. Defence Witness, if any : NO DEFENCE WITNESS HAS BEEN ADDUCED

C. Court Witness, if any : NO COURT WITNESS HAS BEEN EXAMINED

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Exhibit-P/1	The signature of de facto complainant on the typed complaint

B. Defence Exhibits: NO DOCUMENTS HAS BEEN PRODUCED.

C. Court Exhibits: NOT APPLICABLE.

D. Material Exhibits: NONE.

JUDGMENT

The above named accused persons stood trial for committing offences punishable under Sections **341/323/325/354B/427/506** of the **Indian Penal Code** (Hereinafter called as the “**IPC**”).

The prosecution case in brief is that, the de facto complainant namely, Abika Mallick, Wife of Abbas Mallick of Jujarsha Malipukur, Panchla P.S. and District-Howrah, submitted one written complaint before the O/C Panchla P.S to the effect that, the de facto complainant was a head of a “Swanirbhar” self-help group, faced ongoing opposition and arguments from rival group members regarding her leadership. Thereafter, on 30.08.2021 the dispute escalated into violence and the above named accused person wrongfully trapped her, verbally abused her, and physically attacked her using sticks, iron rods, and sabol. During the assault, the accused person outraged her modesty, damaged property, threatened her with dire consequences and stole cash along with her gold chain. Hence, this case.

On the basis of the complaint one FIR was lodged and **Panchla P.S** case number **305/2021** dated **31.08.2021** was started against the above named accused person. After completion of the investigation, the Investigation Officer submitted **Charge-Sheet** being number **341/2021** dated **29.10.2021** was submitted against the above named accused person for the offences punishable under Sections **341/323/325/354B/427/506** of the **IPC**.

CHARGE FRAMED

On **22.11.2023** charge was framed against the accused persons U/S **341/323/325/354B/427/506 of the IPC**. The contents of the charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried in open court. Hence, this trial.

POINTS FOR CONSIDERATION :-

1. Whether the prosecution has been able to prove the guilt of the above-named accused person?
2. Whether the prosecution has been able to prove offences punishable under Sections **341/323/325/354B/427/506 of the IPC** beyond any shadow of reasonable doubt?

EVIDENCE ADDUCED :-

In order to substantiate the charge, the prosecution has examined only one witness i.e. **Abika Mallick** as **PW-1**.

The above named accused person was examined under Section **313** of the **Code of Criminal Procedure** (hereinafter called the “**Cr.P.C.**”) on **09.06.2026**. He claimed innocence and declined to adduce any evidence on his behalf.

DECISION WITH REASONS:-

For the sake of brevity and convenience both the points are taken up together for adjudication.

PW-1/Abika Mallick has deposed in her evidence that, she filed the instant complaint before Panchla P.S. against Saidul Mallick. She stated that the incident took place in the year 2021 and there was a hot altercation. She stated that, she was a member of the Self Help Group of their locality and there was a small dispute but the same has been settled. The signature of P.W.1 on the typed complaint is marked as **Exhibit-P/1**.

In her cross-examination she stated that, she was not interrogated by the IO during investigation. She could not explain the contents of her typed complaint. She does not have any grievance against the accused person.

This is all we get from the evidence.

The cardinal principle of criminal law is that the guilt of the accused persons must be proved beyond reasonable shadow of doubt.

Given as such, it appears that the evidence of the above witness is not consistent and as such is not reliable and he has not supported the prosecution case at all. PW1/ the de facto complainant deposed that, there was small dispute but the same has been settled. Further she does not have any grievance against the accused person, I find no corroboration-nexus in his evidence with the prosecution case as contained in the FIR. This withholding speaks volume against the prosecution case. Therefore, evidence of this witness is not consistent and as such, is not reliable.

It is well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused person has to be tested. In case the charge is found to be proved, the accused person is sent to gallows, but if it is not proved, the accused must be set at liberty giving him the

benefit of doubt. In the present case, the evidence on record, when tested on the touchstone of the often-quoted principle of “proof beyond reasonable doubt”, it appears to me that the prosecution has failed to prove the charge against the accused person. It is well settled principle that prosecution must prove her case beyond reasonable doubts to sustain conviction of the accused person. In this case, the prosecution has not been able to the discharge its duty.

Considering the foregoing discussion, it appears that none of the essential ingredients is proved by the prosecution beyond reasonable doubt to establish the offence U/S **341/323/325/354B/427/506 of IPC.**

Thus, the prosecution has miserably failed to prove its case beyond reasonable doubts. So, in this case the accused person is not liable to be punished since the charge against him has not been proved by the prosecution. Hence, he must be acquitted for absence of conclusive proof. As such from the evidence that has forward, I do not find any reason to believe that the accused person has committed the offence punishable under sections **341/323/325/354B/427/506** of I.P.C. Accordingly, the prosecution case fails and accused person merit acquittal.

Hence, it is

ORDERED

That the **sole** the accused person namely, **Saidul Mallick** is found not guilty of the offence punishable U/S **341/323/325/354B/427/506** of the **IPC.** Accordingly, he is are acquitted **U/S 248(1) Cr.P.C.** and set at liberty at once.

The acquitted person also be released from his respective bail bond.

The surety is also discharged.

The I.O. is hereby directed to return the original document and seizure materials, to its owner, if any, in due course of time as per the provision of law. Inform the I.O. accordingly.

Let a copy of this Judgment of acquittal be forwarded to the District Magistrate and D.L.S.A concerned for due intimation to the victim as defined under Section 2(wa) of the Code of Criminal Procedure and the victim has every right to prefer appeal under Section 372 Proviso of the Code of Criminal Procedure and if necessary the victim has right to avail free legal Aid.

D.A. to take steps.

Note in the T.R.

Dictated and corrected by me:

**Judicial Magistrate, 1st Class,
5th Court, Sadar, Howrah.**

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5th Court, Sadar, Howrah.**