

IN THE COURT OF THE JUDICIAL MAGISTRATE,
1st COURT, HOWRAH



Present: DISHA BARAI
(J.O. Code No.WB01420)
Judicial Magistrate,
1st Court, Howrah

JUDGMENT DATED 9TH JUNE, 2026
G.R. Case No. 6561/2022
CIS 2111 of 2024
CNR No. WBHW04-005423-2024
T.R. Case No. 243 of 2024

Santragachi P.S. Case No. 103/22 dt. 22.11.2022
U/S. 341/354B/323/509 of I.P.C

Defacto- Complainant	Soumi Chowdhury
Respresented by	Ld. APP
Accused	Sashanka Shekhar Parua
Represented by	Ld. Advocate Saikat Mukherjee

Date of Offence	22.11.2022
Date of FIR	22.11.2022
Date of Charge sheet	16.12.2022
Date of Charge	14.07.2025
Date of commencement of Evidence	20.05.2026
Date of the Judgment	09.06.2026
Date of the Sentencing Order, if any	Not applicable

Accused details:

Rank of the accused	Name of accused	Date of arrest	Date of release	Offenes charged with	Whether acquitted or convicted	Sentence imposed	Period of detension undergone during trial for purpose of ection 427 Cr.P.C.
01.	Sashanka Shekhar Parua	Surrendered on 01.12.2022	01.12.2022	u/s. 341/354B/323/509 IPC	acquitted	N.A	NIL

GR 6561 of 2022 (2111 of 2024)

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

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Soumi Chowdhury	Defacto complainant
PW2	Subhadip Chowdhury	Witness

B. Defence witness

RANK	NAME	NATURE OF EVIDENCE (EYE Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
DW1	N.A.	N.A

C. Court witness, if any.

RANK	NAME	NATURE OF EVIDENCE (EYE Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
CW1	N.A.	N.A

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

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW 1	The Signature of PW 1 on the Written Complaint.

B: Defence :

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW 1	N.A.

PREFACE

A brisk venture into the factual aspects of this case is undergone in order to appreciate the case in its proper perspective.

The prosecution case, in brief, is that on 22.11.2022 the O.C. of Santragachi PS received a written complaint from one Soumi Chowdhury On 22.11.2022 at 18.45 hrs one Smt. Soumi Chowdhury W/O Subhodip Chowdhury of Baksara, 152, LMC Sarani, Ground Floor, PS. Santragachi, Howrah came to PS and submitted a written complaint to the effect that on 22.11.2022 at morning time one Sashanka Shekhar Parua, resident of the 1st floor of that building used filthy languages to the complainant. On protest said Sashanka Shekhar Parua attacked and physically assaulted to the complainant. As a result the complainant received injury on her person. The alleged person also outrage the female modesty of the complainant. On the basis of written complaint the above referred case has been started.

On the basis of the said written complaint, the concerned O.C. started Santragachi P.S. Case No. 103/22 dt. 22.11.2022 U/S. 341/354B/323/509 of I.P.C against the accused person and the I.O. of the case took up the investigation and after completion of the investigation he submitted the charge sheet being no. 96/2022 dated 16.12.2022 U/S. 341/354B/323/509 of I.P.C. against the accused person. The Ld. C.J.M., Howrah took cognizance of the offence and transferred the case to this court for disposal.

On 14.07.2025 charge was framed U/s. 341/354B/323/509 of I.P.C against the accused person to which he pleaded not guilty and claimed to be tried.

On the other hand, the defence case is that of total denial of prosecution case. It is also the case of the defence that the accused person has been falsely implicated by the complainant in this case.

POINTS FOR DETERMINATION

- 1) Whether the prosecution has been able to prove the case against the accused person beyond all reasonable doubt?
- 2) Whether the accused person can be convicted under section 341/354B/323/509 of I.P.C ?

GR 6561 of 2022 (2111 of 2024)

EVIDENCE

In order to prove its case, the Prosecution has examined only two witness i.e. Soumi Chowdhury as PW 1 and Subhadip Chowdhury as PW 2.

PW 1 is the defacto complainant. During her evidence she has stated that out of a misunderstanding she has filed this case against her husband presently, everything between themselves have been settled. Thereafter, she proved her signature on the written complaint which is marked as Exbt. P-1/PW-1.

In cross examination, she has stated that she has no allegation against the accused person and he has no objection if the accused person is acquitted.

PW2 stated that she has filed this case out of a misunderstanding and everything between them have been settled.

In cross examination he stated that he has no allegation against the accused person and he has no objection if the accused person is acquitted.

Thereafter evidence from the side of prosecution has been closed on submission of prosecution and accused person was examined u/s 313 of Cr.P.C. Though the accused person has declined to adduce any evidence.

DECISION WITH REASONS

It is well-settled principle of law that initially burden of proof lies upon the Prosecution in order to prove its case and, if there is any doubt the accused person will get the benefit of that doubt.

In order to prove its case, the Prosecution has examined only two witness i.e. Soumi Chowdhury as PW 1 and Subhadip Chowdhury as PW 2 respectively.

This court has gone through the evidence of the P.W.1 and PW-2.

The main allegation against the accused person is that in furtherance of common intention that on 22.11.2022 at Baksara 152 LMC Sarani, Howrah you wrongfully restrained Soumi Chowdhury and on same date and place you outraged the modesty by Soumi Chowdhury by disrobing her and on same date and place you voluntarily caused hurt to Soumi Chowdhury by fist and blows.

However, on going through the evidence produced by the Prosecution this court does not find any evidence to show that on 22.11.2022 at Baksara 152 LMC Sarani, Howrah you wrongfully restrained Soumi Chowdhury and on same date and place you outraged the modesty by Soumi Chowdhury by disrobing her

GR 6561 of 2022 (2111 of 2024)

and on same date and place you voluntarily caused hurt to Soumi Chowdhury by fist and blows.

The witnesses of this case could not give any concrete statement regarding the incident and the manner in which the accused person committed the alleged offence and also the role played by the accused person or his involvement in the commission of the crime. PW 1 who is the defacto complainant in this case has filed this case out of a misunderstanding and everything between themselves have been settled. So, the Prosecution has produced neither. The prosecution did not examine the other witnesses of this case. There is no injury/medical report.

Moreover, the defacto complainant has deposed before this court that everything between themselves has been amicably settled and they have no further allegation against the accused person.

The evidence of all the witnesses hardly shows existence of any material to sustain the charge under section 341/354B/323/509 of I.P.C. The prosecution did not adduce any further evidence. Therefore, Considering the entire, oral and documentary evidence and in view of my above discussions, this court is of the opinion that the Prosecution has failed to prove the charge against the accused person beyond any shadow of doubt, and, as such, the accused person is entitled to get benefit of doubt in the instant case.

Hence, it is

O R D E R E D

that the accused person namely, Sashanka Shekhar Parua is found not guilty of the offence U/s. 341/354B/323/509 of I.P.C. He is acquitted U/s. 248(1) of Cr.P.C. He is also discharged from his respective bail bond.

The seized alamats, if any, be destroyed subject to the time of Appeal.

Send the copy of this Judgment to the defacto complainant/victim through the District Magistrate, Howrah.

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

(DISHA BARAI)

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah

GR 6561 of 2022 (2111 of 2024)

Order dated 09.06.2026

Today is fixed for examination of the accused person u/s. 313 of Cr.P.C

Sole accused person is present and he has been examined U/s. 313 Cr.P.C.

The answers given by the accused person U/s. 313 Cr.P.C. have been recorded in separate prescribed format which is kept with the record.

During examination U/s.313 Cr.P.C the accused person stated that they would not adduce any D.Ws in support of his case.

Hence, the DW is closed today.

At this stage, the Ld. Advocates of both side submitted that they are ready for argument.

Heard the Ld. Advocates of both sides in full.

Now the record is taken up for passing of final order and Judgment. The accused person is directed to be present before this court later today at 2.30 p.m. for delivery of judgment.

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

Disha Barai

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah

Later 2.30 PM

The accused person is present before this court.

Ld. A.P.P. and Ld. Advocate for the accused person are also present.

The case record is taken up for delivery of judgment.

The judgment is ready and pronounced in open court.

The judgment is written in separate sheets which is kept with the case record. The operative portion of the judgment is given herein below.

Hence, it is

O R D E R E D

that the accused person namely, Sashanka Shekhar Parua is found not guilty of the offence U/s. 341/354B/323/509 of I.P.C. He is acquitted U/s. 248(1) of Cr.P.C. He is also discharged from his respective bail bond.

The seized alamats, if any, be destroyed subject to the time of Appeal.

Send the copy of this Judgment to the defacto complainant/victim through the District Magistrate, Howrah.

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

Disha Barai

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah