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: 30.07.2026]

G.R.NO: 1178 of 2014
(CIS Number 88/2016)
T.R. Number No.11/2016
C.N.R No.WBHW04-000383-2016

Arising out of Chatterjeehat PS Case no. 19/2014 dated 10.03.2014 under Sections 448/354/506 of I.P.C.

COMPLAINANT	***STATE OF WEST BENGAL***
REPRESENTED BY	***Ld. APP (i/c) Keya Bakshi***
ACCUSED	***1. Amir Khan @ Rahamat Shah, S/o- Lt. Ahmed Shah of 16 P.M. Basti 1st Bye Lane, Shibpur P.S. and District- Howrah.***
REPRESENTED BY	***Ld. Advocate. ARUN SARKAR***

Form B

Date of Offence	***10.03.2014***
Date of FIR	***10.03.2014***
Date of Charge Sheet	***31.05.2014***
Date of Framing of Charges	***25.08.2022***
Date of Commencement of Evidence	***30.03.2023***
Date on which Judgment is reserved	***N.A.***
Date of the Judgment	***30.07.2026***
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.	*Amir Khan @ Rahamat Shah*	*Arrested on 10.03.2014*	*11.03.2014*	*U/S 448/354/ 506 of IPC*	*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	*Mahua Banerjee*	*Other witness*

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:NO DOCUMENTS HAS BEEN PRODUCED.

B. Defence Exhibits: NO DOCUMENTS HAS BEEN PRODUCED.

C. Court Exhibits: NOT APPLICABLE

D. Material Exhibits: NONE

JUDGMENT

The above-named accused person stood for trial for committing offences punishable under Sections **448/354/506** of the Indian Penal Code (hereinafter called as the "IPC").

The prosecution case in brief is that, the de facto complainant namely, Bijali Ghosh, Wife of Sri Asish Ghosh of 308 Sarat Chatterjee Road, Chatterjeehat P.S and District- Howrah lodged one complaint with the O/C Chatterjeehat PS, to the effect that, around ten years prior the de facto complainant took a loan of Rs.18,000/- at a 10 % monthly interest rate from the above named accused person. Due to her husband being unemployed for the last few months, for which she did not pay the interest. Thereafter, on 10.03.2014 the above named person came to the house of de facto complainant to collect the interest but she could not pay, for which the accused person used abusive language, behave inappropriately and physically assaulted her by pulling and tearing her saree and outraged her modesty. Hence, this case.

INVESTIGATION

The alleged incident was reported in the form of a written complaint. On the basis of the written complaint police started **Chatterjeehat P.S. Case No. 19/2014 dated 10.03.2014**. After completion of investigation of the case I.O. submitted charge sheet being **Charge Sheet No.22/2014** dated **31.05.2014** u/s **448/354/506** of I.P.C before the court of Ld. C.J.M., Howrah. Thereafter, Ld. CJM, Howrah was pleased to take cognizance of the case and transferred the case to this court for disposal.

CHARGE FRAMED

On **25.08.2022** charge was framed against the accused person under Sections **448/354/506** of I.P.C. 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.

EVIDENCE ADDUCED

Innumerable summonses were issued upon the de facto complainant but she remained untraceable as per the respective report received form the O/C Chatterjeehat P.S. Only one witness adduced evidence as P.W.1. As such no incriminating material has come against the accused person and so the accused person is not examined U/S 313 Cr.P.C. The accused person declined to adduce any witness in his favour.

POINTS FOR DETERMINATION

1. Whether the accused person is guilty of committing offence u/s **448/354/506** of I.P.C.?

2. Has the prosecution been able to prove the case against the accused person beyond shadow of all reasonable doubt?

DISCUSSION, DECISION AND REASONS THEREOF

As already mentioned above the only one witness adduced evidence as P.W.1 but nothing fruitful has come from the testimony of PW1, as she remained ignorant of the instant case. The written complaint which sets the motion of every criminal case was not proved, hence the same proved fatal on the part of the prosecution. Hence the above two points are rendered negative against the prosecution. As none of the essential ingredients is proved by the prosecution beyond reasonable doubt to establish the offence Sections **448/354/506** of I.P.C.

It is also 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 charges against the accused person.

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. So, I do not find any reason to believe that the accused person has committed the offence punishable Sections **448/354/506** of I.P.C.

Hence, it is

ORDERED

That all the **sole** the accused person namely, ***Amir Khan @ Rahamat Shah*** is found not guilty of the offence punishable u/s **448/354/506** of I.P.C. Accordingly, he is acquitted U/S 248(1) Cr.P.C. and set at liberty at once. The acquitted person also be released from his bail bond. Surety is also hereby 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.

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