

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, 3rd COURT AT HOWRAH	
Present : Sarmistha Bose (JO Code WB01187) Judicial Magistrate, 3rd Court at Howrah [DATE OF DELIVERY OF JUDGMENT: 14.07.2026] <u>G.R.No: 3171 of 2016</u> <u>(CIS No. 4680 of 2014)(CNR No.WBHW04-000799-2008)</u> Ref : Domjur PS Case no. 338 of 2008 dated 20.10.2008 under section 341/427/506 OF I.P.C	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	SK. JAKIR SK. AHMED OF TALPUKURDHAR
REPRESENTED BY	LD. ADVOCATE SUPRATA JANA

Form B

DATE OF OFFENCE	20.10.2008
DATE OF FIR	20.10.2008
DATE OF CHARGE SHEET	31.10.2008
DATE OF FRAMING OF CHARGE	09.02.2009
DATE OF COMMENCEMENT OF EVIDENCE	27.02.2009
DATE ON WHICH JUDGMENT IS RESERVED	N.A.
DATE OF THE JUDGMENT	14.07.2026
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	PERIOD OF DETENTION UNDERGONE DURING TRIAL FOR PURPOSE OF SECTION 428, CR.P.C
01	SK. JAKIR	SURRENDERED/ARRESTED	27.10.2008	341/427/506 of I.P.C	N.A

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

- A. PROSECUTION : NONE
- B. DEFENCE WITNESS, IF ANY : NO DEFENCE WITNESS
- C. COURT WITNESS, IF ANY : NO COURT WITNESS

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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION: NONE

B. DEFENCE EXHIBITS: NONE

C. COURT EXHIBITS: NONE

JUDGMENT

1. The prosecution story in brief is that the defacto complainant filed a written complaint before the Officer in-Charge of Domjur Police Station to the effect that one Nazrul began to start to work at his factory as contract labour and worked 43 days in his factory and last he worked on 16.09.2008. On 18.09.2008, the dead body of Nazrul was recovered nearby a pond of his factory. Seeing the dead body of Nazrul a group of peoples under leadership of one Sk. Zakir of Talpukurdhar who runs a tea shop in front of his factory main gate started pelting brick bats, stone of his factory and caused damaged his valuable office furniture/equipment window's pen etc and threatened his factory labours over phone with dire consequences and obstructed to his other labours to free ingress and egress causing damage his production on the plea of demand of huge money of compensation of death of Nazrul on 22.09.2008. Hence, this complaint was lodged.

2. Over this complaint, the investigation machinery was set into motion and after completion of the investigation, the police has submitted the charge sheet against the sole (1) accused person. Accordingly cognizance was taken by Ld. Chief Judicial Magistrate, Howrah and this case record was transferred to this Court for trial and disposal. At the commencement of trial, after hearing the Learned Additional Public Prosecutor for the State as well as Learned Defence Counsel, the substance of accusation for the commission of offence punishable under sections **341/427/506** of I.P.C is read over and explained to the accused person under section 251 (1) of Cr.P.C to which the accused person pleaded not guilty by saying "ami nirdosh". Hence, the record was placed for trial.

3. In this case no witness has been examined on behalf of the prosecution and as such nothing incriminating against the accused person comes before this Ld. Court and so the examination of the accused persons u/s 313 of Cr.P.C. is dispensed with.

4. Heard arguments of both side at length.

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POINTS FOR DETERMINATION

5. Upon considering the materials on record the following points are noted for discussion to arrive at a definite conclusion:-

1) Whether the accused person is guilty of the offences charged punishable under Sections **341/427/506** of IPC ?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the charge framed under Section **341/427/506** of IPC beyond reasonable doubt against the accused person?

DECISION WITH REASONS

6. Both the points are taken together for discussion for the sake of convenience, brevity and unnecessary repetition and to reach a definite conclusion.

7. In this case no witness has been examined on behalf of the prosecution and as such nothing incriminating against the accused person comes before this Ld. Court.

8. Therefore, this Court opines that the Prosecution miserably failed to prove the case against the accused person beyond all reasonable doubts. So, the accused person is liable to be acquitted.

9. A conviction cannot be based on mere surmise and conjecture and the prosecution is under obligation to prove the case beyond all reasonable doubts. Having reference to the above discussion, this Court has no other alternative but to hold that there is no iota of ingredients to constitute the offences under Sections **341/427/506** of IPC with which the accused person is booked. Thus, it is quite evident that the prosecution has miserably failed to prove the guilt of the accused person beyond all reasonable doubts and hence, the the accused person deserves to be acquitted from this case.

10. Hence, it is.

ORDERED

That the sole accused person namely **SK. JAKIR** is found not guilty of offences punishable u/s **341/427/506** of IPC and accordingly, hereby acquitted **U/S. 255 (1)** of Cr.P.C. and set to liberty forthwith.

The bail bonds on behalf of the accused shall remain in force for next six months in view of section 437A of Criminal Procedure Code. Surety is accordingly discharged.

The seized alat if any, shall be disposed in accordance with law after expiry

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of the stipulated period.

Let a copy of this Judgment of acquittal be forwarded to the District Magistrate and DLSA concerned for due intimation to the victim as defined under Section 2(a) 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.

The case is disposed off on contest by pronouncement of this judgment in the open Court on the 14th day of July 2026.

Dealing assistant is directed to make necessary entries in the germane registers and Case Information System.

Dictated & Corrected by me.

(Sarmistha Bose)
Judicial Magistrate, 1st Class,
3rd Court, Howrah

(Sarmistha Bose)
Judicial Magistrate, 1st Class
3rd Court, Howrah
(JO Code WB01187)