

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: 15.07.2026] <u>G.R.No: 5768 of 2021</u> <u>(CIS No. 1570 of 2026)(CNR No.WBHW04-002953-2026)</u> Ref : Domjur PS Case no. 819 of 2021 dated 13.10.2021 under section 498A/323/34 of IPC	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) SERINA SK. @ SERINA BEGUM AKRAM SK. OF CHAKPARA, KATAKHALI, P.S MOGRAHAT, DISTRICT SOUTH 24 PGS. 2) SOBAN SK. LATE BECHO SK. @ ABDUL RAHAMAN SK. OF SANKHARIDAH, IDGHATALA, P.S DOMJUR, DISTRICT HOWRAH 3) FIROJ SK. LATE SADER ALI SK. @ LATE SADEK SK. OF SANKHARIDAH, IDGHATALA, P.S DOMJUR, DISTRICT HOWRAH 4) SELIM SK. @ SELIMA BEGUM SK. LATE SADER ALI SK. @ LATE SADEK SK. OF SANKHARIDAH, IDGHATALA, P.S DOMJUR, DISTRICT HOWRAH 5) SURAJ SK. @ BABU LATE SADER ALI SK. @ LATE SADEK SK. OF SANKHARIDAH, IDGHATALA, P.S DOMJUR, DISTRICT HOWRAH
REPRESENTED BY	LD. ADVOCATE SANJAY MUKHERJEE

Form B

DATE OF OFFENCE	13.10.2021
DATE OF FIR	13.10.2021
DATE OF CHARGE SHEET	31.11.2021
DATE OF FRAMING OF CHARGE	19.06.2026
DATE OF COMMENCEMENT OF EVIDENCE	08.07.2026
DATE ON WHICH JUDGMENT IS RESERVED	N.A.
DATE OF THE JUDGMENT	15.07.2026
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	SERINA SK. @ SERINA BEGUM	SURRENDERED	20.11.2021	498A/323/34 of IPC	N.A
02	SOBAN SK.	SURRENDERED	20.11.2021	498A/323/34 of	N.A

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		RED		IPC	
03	FIROJ SK.	SURRENDE RED	20.11.2021	498A/323/34 of IPC	N.A
04	SELIM SK. @ SELIMA BEGUM SK.	SURRENDE RED	20.11.2021	498A/323/34 of IPC	N.A
05	SURAJ SK. @ BABU	SURRENDE RED	20.11.2021	498A/323/34 of IPC	N.A

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS)
PW1	ROOPMANI SK.	DEFACTO COMPLAINANT

B. DEFENCE WITNESS, IF ANY : NO DEFENCE WITNESS

C. COURT WITNESS, IF ANY : NO COURT WITNESS

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1	EXHIBIT – P1/PW1	THE SIGNATURE OF PW.1 ON THE WRITTEN COMPLAINT

B. DEFENCE EXHIBITS: NONE

C. COURT EXHIBITS: NONE

JUDGMENT

1. The prosecution story in brief is that the defacto complainant filed a written complaint on 13.10.2021 before the Officer-in-Charge of Domjur Police Station to the effect that the defacto complainant got married with Suraj Sk @ Babu on 17.01.2017 as per Muslim Rites and Customs. At the time of marriage, her father gave some cash, gold ornaments, other valuable articles and two old motor cycle as per demand of the accused persons. After few days of her marriage, the defacto complainant was subjected to torture mentally and physically by her husband over issue of more dowry. On 06.10.2021 at about 00.00 hours her husband along with other in-laws members physically assaulted her. 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 five (5) accused persons. 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 formal charge was framed against the accused persons for the offences punishable under Sections

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498A/323/34 of IPC and the contents of the charge was read over and explained to the accused persons in Bengali to which they pleaded not guilty by saying “amra nirdosh” and claimed to be tried. Hence, the record was placed for trial.

3. The prosecution has examined sole witness as the defacto complainant of this case to prove the case. On closure of the prosecution evidences, statements of the accused persons were recorded in terms of Section 313 of the Code of Criminal Procedure, where the accused persons denied all the allegations against them and refused to adduce defence evidences. The defense case is simply the denial of the prosecution's allegation and plea of innocence.

4. Heard arguments of both side at length.

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 persons are guilty of the offences charged punishable under Sections **498A/323/34 of IPC**?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the charge framed under Sections **498A/323/34 of IPC** beyond reasonable doubt against the accused persons?

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. It is the settled principle of law that the prosecution is under obligation to prove the case beyond all reasonable doubt. It appears that sole witness has been examined in this case.

8. Here, the prosecution has examined Roopmani Sk. as PW-1 who identified the accused persons on dock and she deposed before this Court that she went to her matrimonial home and during her stay some disputes arose between the defacto complainant and the accused persons. So, she has filed this case against the accused persons. However, such dispute has been amicably settled between the defacto complainant and the accused persons. She identified her signature on the typed which has has been marked as Exhibit P1/PW1. During her cross-examination, she has no allegation against the accused persons.

9. On a close scrutiny of the evidence of PWs, it appears that the FIR story has got no corroboration from her evidence. Here, the prosecution had not taken the pain to declare the PWs hostile, rather accepted her testimony which in turn raises doubt in the mind of the Court in regard to genuineness of the prosecution's case.

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10. From the statement of PWs of this case, it is clear before the Court that you did not support the prosecution's story. Such being the evidences on record, it appears that the prosecution is hopelessly in failure to prove her case.

11. 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 **498A/323/34 of IPC** with which the accused persons are 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 accused persons deserve to be acquitted from this case.

12. Hence, it is.

ORDERED

That all the accused persons namely **SERINA SK. @ SERINA BEGUM, SOBAN SK., FIROJ SK., SELIM SK. @ SELIMA BEGUM SK and SURAJ SK. @ BABU** is found not guilty of offences punishable u/s **498A/323/34 of IPC** and accordingly, hereby acquitted U/S.248 (i) g 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 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 victims as defined under Section 2(a) of the Code of Criminal Procedure and the victims have every right to prefer appeal under Section 372 Proviso of the Code of Criminal Procedure and if necessary the victims have right to avail free legal Aid.

The case is disposed off on contest by pronouncement of this judgment in the open Court on the 15th 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)