

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, 3 rd COURT AT HOWRAH	
Present : Sarmistha Bose (JO Code WB01187) Judicial Magistrate, 3 rd Court at Howrah [DATE OF DELIVERY OF JUDGMENT: 30.06.2026] <u>G.R.NO: 6105 of 2018</u> <u>(CIS No. 313 of 2021)(CNR No.WBHW04-001681-2021)</u> Ref : J.B.Pur PS Case no. 335 of 2018 dated 02.11.2018 under section 448/323/354/427/506/34 OF I.P.C	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) AKRAM MOLLA LATE KORBAN MOLLA OF JAGARNATHPUR, MUNSHIRHAT P.S J.B.PUR, DISTRICT HOWRAH 2) SK. SANOWAR ALI @ SANI LATE NUR ALI OF JAGARNATHPUR, MUNSHIRHAT P.S J.B.PUR, DISTRICT HOWRAH 3) MIR MORSELIM LATE MIR SAMSER OF JAGARNATHPUR, MUNSHIRHAT P.S J.B.PUR, DISTRICT HOWRAH 4) SK. SANOWAR ALI @ KHOKAN LATE SK. ARAMAT ALI OF JAGARNATHPUR, MUNSHIRHAT P.S J.B.PUR, DISTRICT HOWRAH
REPRESENTED BY	LD. ADVOCATE TANMOY CHATTERJEE

Form B

DATE OF OFFENCE	03.10.2018
DATE OF FIR	02.11.2018
DATE OF CHARGE SHEET	27.11.2018
DATE OF FRAMING OF CHARGE	29.06.2026
DATE OF COMMENCEMENT OF EVIDENCE	29.06.2026
DATE ON WHICH JUDGMENT IS RESERVED	N.A.
DATE OF THE JUDGMENT	30.06.2026
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	PERIOD OF DETENTION UNDERGONE DURING TRIAL FOR PURPOSE OF SECTION 428, CR.P.C
01	AKRAM MOLLA	SURRENDERED	13.11.2018	448/323/354/427/506/34 OF I.P.C.	N.A
02	SK. SANOWAR ALI @ SANI	SURRENDERED	13.11.2018	448/323/354/427/506/34 OF I.P.C.	N.A
03	MIR MORSELIM	SURRENDERED	13.11.2018	448/323/354/427/506/34 OF I.P.C.	N.A

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04	SK. SANOWAR ALI @ KHOKAN	SURRENDE RED	13.11.2018	448/323/354/427/506/ 34 OF I.P.C.	N.A
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FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, OTHER WITNESS)
PW1	MIR MANIRUL	DEFACTO COMPLAINANT
PW2	NURENESA BEGUM	WITNESS

B. DEFENCE WITNESS, IF ANY : NO DEFENCE WITNESS

C. COURT WITNESS, IF ANY : NO COURT WITNESS

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:

SL. NO	EXHIBIT NUMBER	DESCRIPTION
1	EXHIBIT – P1/PW1	SIGNATURE OF PW1 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 before the Officer in-Charge of J.B.Pur Police Station to the effect that on 03.11.2018 at about 18.30 hours, all the accused persons came in front of the house of the defacto complainant and abused him in filthy languages in presence of the local villagers and also threatened him with dire consequences. When the defacto complainant and some villagers then all the accused persons assaulted him and his brothers namely Ataulla Mir, Rejaul Mir, his father namely Mojammel Mir. All the accused persons entered into the house of the defacto complainant and ransack the household articles, outraged the female modesty of the female member of the defacto complainant by gesture and posture. Hence, this case.

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 four (4) 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 **448/323/354/427/506/34** of IPC and the contents of the charge was read over and explained to the

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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 two witnesses including a 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 all 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 448/323/354/427/506/34 of IPC ?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the charge framed under Section 448/323/354/427/506/34 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 two witnesses have been examined in this case.

8. Here, the prosecution has examined Mir Manirul, CSW-1 as PW-1 who deposed before this Court that the incident took place at about 7 to 8 years ago, due to some misunderstanding which has been amicably settled later on. He identified her signature on the written complainant which has been marked as Exhibit P-1/P.W.1. During his cross-examination, he stated that at present he has no allegations against the accused persons.

9. In order to fortify its case, the prosecution has examined another witness namely Nurenesa Begum as PW-2 deposed before this Court that the incident took place in the year 2013, due to some misunderstanding which has been amicably settled later on. During her cross-examination, she stated that she has no allegations against the accused persons.

10. On a close scrutiny of the evidences of PWs, it appears that the FIR story has got no corroboration from their evidences. Here, the prosecution had not taken the pain to declare the PWs hostile, rather accepted their 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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11. 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 their case.

12. 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 **448/323/354/427/506/34** 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 persons beyond all reasonable doubts and hence, the the accused persons deserve to be acquitted from this case.

13. Hence, it is.

ORDERED

That all the accused persons namely **AKRAM MOLLA, SK. SANOWAR ALI @ SANI, MIR MORSELIM and SK. SANOWAR ALI @ KHOKAN** are found not guilty of offences punishable u/s **448/323/354/427/506/34** of IPC and accordingly, hereby acquitted **U/S.248 (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 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 30th day of June 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)