

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: 25.06.2026] <u>G.R.No: 4178 of 2022</u> <u>(CIS No. 1035 of 2025)(CNR No.WBHW04-002210-2025)</u> Ref : Domjur PS Case no. 569 of 2022 dated 14.07.2022 under section 498A/34 of I.P.C	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) SK. RASHED RAJA SK. SAHID OF BANKRA, P.S DOMJUR, DISTRICT HOWRAH 2) SK. BUTTU @ OMAR REZA SK. SK. SAHID OF BANKRA, P.S DOMJUR, DISTRICT HOWRAH 3) PUNAM BANO @ SAMIMARA SK. SK. RAMJAN OF BANKRA, P.S DOMJUR, DISTRICT HOWRAH
REPRESENTED BY	LD. ADVOCATE SABNAM KHATUN

Form B

DATE OF OFFENCE	12.09.2018
DATE OF FIR	14.07.2022
DATE OF CHARGE SHEET	31.08.2022
DATE OF FRAMING OF CHARGE	31.01.2025
DATE OF COMMENCEMENT OF EVIDENCE	09.06.2025
DATE ON WHICH JUDGMENT IS RESERVED	N.A.
DATE OF THE JUDGMENT	25.06.2026
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	SK. RASHED RAJA	SURRENDER	20.08.2022	498A/34 of I.P.C	N.A
02	SK. BUTTU @ OMAR REZA SK.	SURRENDER	20.08.2022	498A/34 of I.P.C	N.A
03	PUNAM BANO @ SAMIMARA SK.	SURRENDER	20.08.2022	498A/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)
PW1	MALEKA KHATUN	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 COMPLAINANT

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, the defacto complainant got married with Rashed Raja on 12.09.2021 as per Muslim Rites and Customs. At the time of marriage, family members of the petitioner gave cash of Rs. 5,00,000/-, gold ornaments and other articles dowry as per their demand. After eight months of her marriage, her husband and in-laws started to torture mentally and physically by her husband over issue of more dowry of Rs. 2,00,000/-. On 09.08.2018, the defacto complainant gave birth of female child namely Mahera Khatun and after the birth of female child, the accused persons inflicted more torture upon her and once all the accused persons tried to kill her by putting pillow on her face but due to god grace, the defacto complainant has been saved. The accused persons did not give proper good to her and her minor daughter. Lastly, on 08.07.2022, all the accused persons brutally, assaulted her for dowry and she sustained injury on whole body and also sustained serious injury on left eye and also they tried to kill her and drove her out from her matrimonial home. Hence, this complaint was lodged. 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 three 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 **498A/34**

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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 evidence, 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 evidence. 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/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/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 Maleka Khatun 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 person. So, she has filed this case against the accused person. However, such dispute has been amicably settled between the defacto complainant and the accused persons. She identified her signature on the typed written complainant which 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 evidences 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 evidence 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/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 accused persons deserve to be acquitted from this case.

12. Hence, it is,

ORDERED

That all the accused persons namely **SK. RASHED RAJA, SK. BUTTU @ OMAR REZA SK., and PUNAM BANO @ SAMIMARA SK.** are found not guilty of offences punishable u/s **498A/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. Sureties are 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 25th 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

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