

<u>IN THE COURT OF THE JUDICIAL MAGISTRATE,</u> <u>4th COURT, HOWRAH</u> Present: KEYA SARKAR (J.O. Code No.WB01123) Judicial Magistrate, 4th Court, Howrah <u>JUDGMENT DATED 16th JUNE, 2026</u> G.R. Case No. 7257 of 2016 CIS 1137 of 2018 CNR No.WBHW04-003740-2018 T.R. Case No. 264 of 2018 Liluah P.S. Case No. 324/16 dt. 19.11.2016 u/S 341/323/506 of I.P.C.	
Defacto- Complainant	Ravi Show
Respresented by	Ld. APP
Accused	(1) Bhola Sankar Roy @ Sankar Bhola Roy
Represented by	Adv. Soumen Ranjan Bala

Date of Offence	18.11.2016
Date of FIR	19.11.2016
Date of Charge sheet	30.11.2016
Date of Plea	15.06.2026
Date of commencement of Evidence	16.06.2026
Date of the Judgment	16.06.2026
Date of the Sentencing Order, if any	Not applicable

Accused details:

Rank of the accused	Name of accused	Date of arrest	Date of release	Offenes charged with	Whether acquitted or convicted	Sentence imposed	Period of detension undergone during trial for purpose of ection 427 Cr.P.C.
01.	Bhola Sankar Roy @ Sankar Bhola Roy	Surrendered on 21.11.2016	21.11.2016	u/S 341/323/506 of I.P.C.	acquitted	N.A	N.A

**LIST OF PROSECUTION/ DEFENCE/
COURT WITNESSES**

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1 (CSW1)	Ravi Shaw	Complainant
PW2 (CSW4)	Rajesh Shaw	Prosecution Witness
PW3 (CSW6)	Ashish Shaw	Prosecution Witness

B. Defence witness

RANK	NAME	NATURE OF EVIDENCE (EYE Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
DW1	N.A.	N.A

C. Court witness, if any.

RANK	NAME	NATURE OF EVIDENCE (EYE Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
CW1	N.A.	N.A

**LIST OF PROSECUTION/
DEFENCE/ COURT
EXHIBITS**

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/ 1/PW1	Signature on the written complaint

B: Defence :

Sr. No.	Exhibit Number	Description
1	N.A.	N.A.

PREFACE

A brisk venture into the factual aspects of this case is undergone in order to appreciate the case in its proper perspective.

The prosecution case, in brief, is that on 18.11.2016 at about 15:30 hrs when the sister of the complainant namely Puja Shaw was returning to home from school then one Appu of Dakshin Anandanagar Sukantapolly under P.S. Liluah, Howrah abducting his sister on being asked one Bhola Sankar Roy and 20 others are threatened him and his family members by using slang languages and they also assaulted them. Thereby finding no other alternative the complainant lodged written complaint before the concerned P.S.

On the basis of the said written complaint, the concerned O.C. started **Liluah P.S. Case No. 324/16 dt. 19.11.2016 u/S 341/323/506 of I.P.C.** against the accused person and the I.O. of the case took up the investigation and after completion of the investigation he submitted the **charge sheet being no. 340/16 dated 30.11.2016 u/S 341/323/506 of I.P.C.** against the accused person. The Ld. C.J.M., Howrah took cognizance of the offence and transferred the case to this court for disposal.

On 15.06.2026 plea was done **u/S 341/323/506 of I.P.C.** against the accused person to which he pleaded not guilty and claimed to be tried.

On the other hand, the defence case is that of total denial of prosecution case. It is also the case of the defence that the accused person has been falsely implicated by the complainant in this case.

POINTS FOR DETERMINATION

- 1) Whether the prosecution has been able to prove the case against the accused person beyond all reasonable doubt?
- 2) Whether the accused person can be convicted **u/S 341/323/506 of I.P.C.?**

EVIDENCE

In order to prove its case, the Prosecution has examined witnesses i.e. Ravi Shaw as PW1 (CSW1), Rajesh Shaw as PW2 (CSW4) and Ashish Shaw as PW3 (CSW6).

Ravi Shaw as PW1 (CSW1) during his evidence stated that he has filed this case against Bhola Sankar Roy. He identified him at the time of testimony. He had some dispute but that has been resolved. Thereafter he identified his signature on the written complaint which is marked Exhibit P1/PW1.

In cross-examination he stated that he has no allegation against him. He is deposing voluntarily. He does not recollect what is written in the complaint now.

The other PWs in this case deposed in the same tune as stated by the complainant / PW1 and nothing crucial regarding the case or against the accused person. They have also stated in their cross-examination that they have no allegation against the accused person now.

In cross-examination they stated that they have no allegation against him. He is deposing voluntarily.

Thereafter evidence from the side of prosecution has been closed on submission of prosecution and accused person were examined u/s 313 of Cr.P.C. On being asked the accused person have declined to adduce any evidence.

DECISION WITH REASONS

It is well-settled principle of law that initially burden of proof lies upon the Prosecution in order to prove its case and, if there is any doubt the accused person will get the benefit of that doubt.

However, on going through the evidence produced by the prosecution this court does not find any evidence to show that they voluntarily caused hurt to the complainant or other witnesses. The P.W. 1, 2 & 3 who are the complainant and witness in this case, could not give any concrete statement regarding the incident and the manner in which the accused person committed the alleged offence and also the role played by the accused person or their involvement in the commission of the crime. They deposed that they have no allegation against the accused person. It is clear that the prosecution has produced neither any material nor the prosecution examined any material witnesses of this case. Nothing has been seized from the custody of the accused person. No injury report has been submitted, nor any doctor has been examined in this case .

So the evidence of witnesses hardly shows existence of any material to sustain the charge **u/S 341/323/506 of I.P.C.** The prosecution did not adduce any further evidence. Therefore, considering the entire, oral and documentary evidence and in view of my above discussions, this court is of the opinion that the Prosecution has failed to prove the charge against the accused person beyond any

shadow of doubt, and, as such, the accused person is entitled to get benefit of doubt in the instant case.

Hence, it is

O R D E R E D

that the accused person namely, Bhola Sankar Roy @ Sankar Bhola Roy found not guilty of the offence **u/S 341/323/506 of I.P.C.** He is acquitted **u/S 255(1) Cr.P.C.** He is also discharged from his respective bail bonds.

The seized alamats, if any, be disposed off as per law.

Surety, if any, be discharged.

Send the copy of this Judgment to the defacto complainant/victim through the District Magistrate, Howrah.

The case is hereby disposed of.

Note in concern registers.

Dictated and corrected by me

Judicial Magistrate,
4th Court, Howrah

(Keya Sarkar)
(JO Code WB01123)
Judicial Magistrate,
4th Court, Howrah