

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, 3rd COURT AT HOWRAH	
Present : Sarmistha Bose (JO Code WB01187) Judicial Magistrate, 3 rd Court at Howrah	
[DATE OF DELIVERY OF JUDGMENT: 14.07.2026] <u>G.R.No: 5989 of 2013</u> <u>(CIS No. 5953 of 2017)(CNR No.WBHW04-003954-2017)</u>	
Ref : M.P.Ghora PS Case no. 442 of 2013 dated 04.09.2013 under section 498A/323/34 of I.P.C	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) KANAILAL DAS LATE NARAYAN DAS OF 53/5 JOYBIBI ROAD, P.S M.P.GHORA, DISTRICT HOWRAH 2) BHOLA LAL DAS SRI KANAILAL DAS OF 53/5 JOYBIBI ROAD, P.S M.P.GHORA, DISTRICT HOWRAH 3) RADHA DEBI DAS (FILED FOR EVER 14.07.2026) 4) MALA KUMARI (FILED FOR EVER 08.07.2025)
REPRESENTED BY	LD. ADVOCATE SUSHMITA DUTTA

Form B

DATE OF OFFENCE	31.08.2013
DATE OF FIR	04.09.2013
DATE OF CHARGE SHEET	10.09.2013
DATE OF FRAMING OF CHARGE	14.08.2015
DATE OF COMMENCEMENT OF EVIDENCE	09.03.2016
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	KANAILAL DAS	SURRENDERED/ ARRESTED	07.09.2013	498A/323/34 of I.P.C	N.A
02	BHOLA LAL DAS	SURRENDERED/ ARRESTED	07.09.2013	498A/323/34 of I.P.C	N.A
03	RADHA DEBI DAS	(FILED FOR EVER 14.07.2026)			
04	MALA KUMARI	(FILED FOR EVER 08.07.2025)			

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

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(CIS No. 5953 of 2017)(CNR No.WBHW04-003954-2017)

A. PROSECUTION :

RAN K	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, OTHER WITNESS)
PW1	PROTIMA DAS	DEFACTO COMPLAINANT
PW2	RAJESH JAISWARA	OTHER WITNESS
PW3	SURESH KEWAT	OTHER 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:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1	EXHIBIT – 1	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 before the Officer-in-Charge M.P.Ghora Police Station to the effect that the defacto complainant stated that her husband expired from the said period, her mother-in-law, father-in-law along with Mala Kumari and Bhola Lal Das started to torture both physically and mentally and also they used abusive languages and also threatened him with dire consequences. 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 two (2) 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** 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 three witnesses including 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 they denied all the allegation against them and refused to adduce defence evidence. The defense case is simply the denial of the prosecution's allegation and plea of innocence. Accused person namely Radha Debi Das and Mala Kumari filed of ever 14.07.2026 and 08.07.2025.

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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 three witnesses have been examined in this case.

8. Here, the prosecution has examined Protima Das as PW-1 who deposed before this Court that her husband expired before 12 years ago and she along with her two daughter and one son are staying in her matrimonial home. The accused persons started to inflict mental and physical torture upon her and Radha Debi has threatened to burn us if we would not leave the house. She identified her signature on the typed written complainant which has been marked as Exhibit – 1. During her cross-examination, she stated that at present and since the alleged incident, she is staying in her matrimonial home.

9. In order to fortify its case, the prosecution has examined other witnesses namely deposed before this Court that he does not know why she lodged the complaint and against whom the complaint was lodged by her. Witness Suresh Kewat deposed before this Court that he does not know whether Pratima Das lodged any complaint against her in-laws or not and also she does not know anything about this case.

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.

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,

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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 persons beyond all reasonable doubts and hence, all the accused persons deserve to be acquitted from this case.

13. Hence, it is.

ORDERED

That both the accused persons namely **KANAILAL DAS and BHOLA LAL DAS** are 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 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)