

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: 06.06.2026] <u>G.R.No: 7900 of 2014</u> <u>(CIS No.6172 of 2017)(CNR No.WBHW04-004348-2017)</u> Ref : M.P.Ghora PS Case no. 432 of 2014 dated 19.10.2014 under section 341/323/354B/506 OF I.P.C	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) JAVED KHAN SON OF AKBAR KHAN OF 17, NANDA GHOSH ROAD, KAPUR GALI, P.S GOLABARI, DISTRICT HOWRAH 2) RUKSANA BEGAM AKBAR KHAN OF 17, NANDA GHOSH ROAD, KAPUR GALI, P.S GOLABARI, DISTRICT HOWRAH 3) MOUSHIN KHAN AKDAR KHAN 17, NANDA GHOSH ROAD, KAPUR GALI, P.S GOLABARI, DISTRICT HOWRAH
REPRESENTED BY	LD. ADVOCATE SUMEDHA GHOSH BANERJEE

Form B

DATE OF OFFENCE	13.10.2014
DATE OF FIR	19.10.2014
DATE OF CHARGE SHEET	31.10.2014
DATE OF FRAMING OF CHARGE	22.04.2025
DATE OF COMMENCEMENT OF EVIDENCE	17.11.2025
DATE ON WHICH JUDGMENT IS RESERVED	N.A.
DATE OF THE JUDGMENT	06.06.2026
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	SUNIL @ BANTI UPADHYAY	SURRENDER/ ARRESTED	08.12.2014	341/323/354 B/506 of I.P.C	N.A

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FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION : NONE

B. DEFENCE WITNESS, IF ANY : NO DEFENCE WITNESS

C. COURT WITNESS, IF ANY : NO COURT WITNESS

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION: NONE

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 M.P.Ghora Police Station to the effect that on 13.10.2014 at about 10.00 pm, his daughter namely Mina Kumari Yadav taking water from time Kal's in front of house of the defacto complainant, at that time, accused person abusing filthy language and assaulted his daughter mercilessly with fists and blows and threatened with dire consequences and outrage her modesty. As a result, she received sustained injury. 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 sole () accused person. 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 person for the offences punishable under Sections **341/323/354B/506** of IPC and the contents of the charge was read over and explained to the accused person in Bengali to which you pleaded not guilty by saying "ami nirdosh" and claimed to be tried. Hence, the record was placed for trial.

3. In this case no witness has been examined on behalf of the prosecution and as such nothing incriminating against the accused person comes before this Ld. Court and so the examination of the accused person u/s 313 of Cr.P.C. is dispensed with. .

4. Heard arguments of both side at length.

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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 person is guilty of the offences charged punishable under Sections **341/323/354B/506** of IPC ?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the charge framed under Section **341/323/354B/506** of IPC beyond reasonable doubt against the accused person?

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. In this case no witness has been examined on behalf of the prosecution and as such nothing incriminating against the accused person comes before this Ld. Court.

8. Therefore, this Court opines that the Prosecution miserably failed to prove the case against the accused person beyond all reasonable doubts. So, the accused person is liable to be acquitted.

9. 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 **341/323/354B/506** of IPC with which the accused person is 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 the accused person deserves to be acquitted from this case.

10. Hence, it is

ORDERED

That the sole accused person namely **SUNIL @ BANTI UPADHYAY** is found not guilty of offences punishable u/s **341/323/354B/506** 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.

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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 victim as defined under Section 2(a) of the Code of Criminal Procedure and the victim has every right to prefer appeal under Section 372 Proviso of the Code of Criminal Procedure and if necessary the victim has right to avail free legal Aid.

The case is disposed off on contest by pronouncement of this judgment in the open Court on the 06th 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)