

GR 6002 of 2014 (60020 of 2014)

IN THE COURT OF THE JUDICIAL MAGISTRATE,
1st COURT, HOWRAH



Present: DISHA BARAI
(J.O. Code No.WB01420)
Judicial Magistrate,
1st Court, Howrah

JUDGMENT DATED 09th JUNE, 2026

G.R. Case No. 6002/2014
CIS 60020 of 2014
CIS No. WBHW04-013829-2014
T.R. Case No. 89 of 2017
Domjur P.S. Case No. 893/2014 dt.18.08.2014
U/S. 498A of I.P.C.

Defacto- Complainant	Mousumi Mahato
Respresented by	Ld. APP
Accused	(1) Subash Mahato
Represented by	Ld. Advocate Ruma Choudhury

Date of Offence	Since after marriage
Date of FIR	18.08.2014
Date of Charge sheet	31.03.2015
Date of Framing of Charges	14.07.2025
Date of commencement of Evidence	19.05.2026
Date of the Judgment	09.06.2026
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.	Subash Mahato	Arrested on 23.02.2015	24.02.2015	498A IPC	acquitted	N.A	N.A

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

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	N.A.	N.A

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/PW 1	N.A.

B: Defence :

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW 1	N.A.

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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 18.08.2014 the O.C. of Domjur PS received a written complaint from one Mousumi Mahato W/O Subhas Mahato D/O Raju Ghosh A/P- Makardah Patrapara, PS Domjur, Dist. Howrah to the effect that she was married with one Subhas Mahato of Nibra Mukherjeepara, P.S. Domjur, Dist.- Howrah before 06 years. At that time of marriage her father gave some gold ornaments and other valuable articles. But since after marriage she was subjected to torture both mentally and physically by her husband over the issue of family matter. On 17.08.14 at about 22.00 hrs her husband assaulted and ousted of her husband's house. Over this the instant case was started.

On the basis of the said written complaint, the concerned O.C. started Domjur P.S. Case No. 893/2014 dt.18.08.2014 U/S. 498A of I.P.C. and 3 and 4 D.P Act against the accused persons and the I.O. of the case took up the investigation and after completion of the investigation he submitted the charge sheet U/S. 498A of I.P.C. and 3 and 4 D.P Act. dated 31.05.2015 vide charge sheet no.341/2015 against the accused persons. The Ld. C.J.M., Howrah took cognizance of the offence and transferred the case to this court for disposal.

On 14.07.2025 charge was framed U/s. 498A 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 under sections 498A of the I.P.C ?

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DECISION WITH REASONS

The main allegation against the accused person is that since after marriage at Nibra Mukherjee para that the accused person being the husband of Mousumi Mahato subjected cruelty by doing the act of physical and mental torture on demand of dowry.

This case was instituted in the year 2014 and was transferred to this court on 06.10.2016 but unfortunately the charge was framed in this case on 14.07.2025. Summons were served to all the witnesses but the prosecution failed to bring a single witness before this Court. Eventually a petition was filed on behalf of the accd. person for closure of prosecution evidence. Ld.A.P.P did not raise objection and accordingly the prosecution case was closed on 19.05.2026.

Thus considering the record, surrounding circumstances, probabilities and improbabilities and the prevailing laws of the land, this court is of the convinced opinion that the prosecution has totally failed to prove the charge against the accd. person beyond reasonable shadow of doubt by adducing valid and cogent evidence upon which the accd. person can be held guilty.

Hence, it is

O R D E R E D

that the accused person namely, Subash Mahato is found not guilty of the offence U/s. 498A of I.P.C. and he is acquitted U/s. 248(1) of Cr.P.C. He is also discharged from his respective bail bonds.

The seized alamats, if any, be destroyed subject to the time of Appeal.

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

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

(DISHA BARAI)

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah

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Order dated 09.06.2026

Today is fixed for examination of the accused person u/s. 313 of Cr.P.C

Sole accused person is present before this court by filing hazira.

On perusal of the record it appears that the prosecution has failed to bring to any witness before this court against this accused person. Accordingly, the accused person exempted from the examination of the accused person u/s. 313 of Cr.P.C.

At this stage, the Ld. Advocates of both side submitted that they are ready for argument.

Heard the Ld. Advocates of both sides in full.

Now the record is taken up for passing of final order and Judgment. The accused persons are directed to be present before this court later today at 2.30 p.m. for delivery of judgment.

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

Disha Barai

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah

Later 2.30 PM

Dated: 09.06.2026

The accused person is present before this court.

Ld. A.P.P. and Ld. Advocate for the accused person are also present.

The case record is taken up for delivery of judgment.

The judgment is ready and pronounced in open court.

The judgment is written in separate sheets which is kept with the case record. The operative portion of the judgment is given herein below.

Hence, it is

O R D E R E D

that the accused person namely, Subash Mahato is found not guilty of the offence U/s. 498A of I.P.C. and he is acquitted U/s. 248(1) of Cr.P.C. He is also discharged from his respective bail bond.

The seized alamats, if any, be destroyed subject to the time of Appeal.

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

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Sd/-

Judicial Magistrate,

1st Court, Howrah

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Disha Barai

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Judicial Magistrate,

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