

GR 3983 of 2014 (39830 of 2014)



<u>IN THE COURT OF THE JUDICIAL MAGISTRATE,</u> <u>1st COURT, HOWRAH</u> Present: DISHA BARAI (J.O. Code No.WB01420) Judicial Magistrate, 1st Court, Howrah <u>JUDGMENT DATED 16th APRIL, 2026</u> G.R. Case No. 3983 of 2014 CIS No. 39830 of 2014 CNR No. WBHW04-103853-2014 T.R. Case No. 227 of 2015 Panchla P.S. Case No. 153/2014 dt. 13.06.2014 U/S. 498A/494/34 of I.P.C.	
Defacto- Complainant	Rina Begum
Represented by	(1) Ld. APP
Accused	(1) Sk. Saidul (2) Sk. Idrish (filed forever) (3) Sabera Begum (4) Sonea Begum (filed for present) (5) Banu Begum (6) Rehena Begum
Represented by	Ld. Advocate Mr. Subha Das

Date of Offence	20.05.2014
Date of FIR	13.06.2014
Date of Charge sheet	25.12.2014
Date of Framing of Charges	16.01.2018
Date of commencement of Evidence	25.09.2018
Date of the Judgment	16.04.2026
Date of the Sentencing Order, if any	Not applicable

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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 detention undergone during trial for purpose of section 427 Cr.P.C.
01. 02. 03. 04.	Sk. Saidul Sabera Begum Banu Begum Rehena Begum	Surrendered on 18.06.2014 and 02.07.2014	18.06.2014 and 02.07.2014	u/s. 498A/494/34 IPC	acquitted	N.A	NIL

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

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Samsuddin Mallick	Other witness
PW2	Laltu Khan	Other 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/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 13.06.2014 the O.C. of Panchla PS received a written complaint from one Rina Begum that she got married with Sk. Saidul. After her marriage, the defacto complainant was subjected to mental and physical cruelty by husband and other in laws. On 20.05.2014 the accused persons abused the defacto complainant by filthy languages and also assaulted the defacto complainant and her family members by fists and blows. The husband of the defacto complainant (accused no. 1) again married with Sonea Begum.

On the basis of the said written complaint, the concerned O.C. started Panchla P.S. Case No. 153/2014 dated 13.06.2014 U/S. 498A/494/34 of I.P.C. 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 being no. 356/14 dated 25.12.2014 U/S. 498A/494/34 of I.P.C. 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 16.01.2018 charge was framed U/s. 498A/494/34 of I.P.C against the accused persons to which they pleaded not guilty and claimed to be tried.

During the trial accused Sk. Idrish has died and this case has filed for ever against him and accused Sonea Begum has absconded and this case is present for present against him.

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 persons have 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 persons beyond all reasonable doubt?

2) Whether the accused persons can be convicted under sections U/s. 498A/494/34 of I.P.C ?

EVIDENCE

In order to prove its case, the Prosecution has examined only two witnesses i.e. Samsuddin Mallick and Laltu Khan as P.W. 1 and P.W.2 respectively.

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The P.W.1 during his evidence he has stated that he does not know Rina Begum or Idrish and he knows Sk. Saidul and he heard that Saidul had a problem or dispute with his wife. He does not know name of his wife and he does not know what happened between Saidul and his wife and he does not know what grievance his wife had or has against Saidul and he does not know anything about the incident of this case.

The PW2 stated that he does not know Rina Begum or Idrish and he knows Sk. Saidul and he heard that Saidul had a problem or dispute with his wife. He does not know name of his wife and he does not know what happened between Saidul and his wife and he does not know what grievance his wife had or has against Saidul and he does not know anything about the incident of this case.

Thereafter evidence from the side of prosecution has been closed on submission of prosecution and accused persons were examined u/s 313 of Cr.P.C. Though the accused persons 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 persons will get the benefit of that doubt.

In order to prove its case, the Prosecution has examined two witnesses i.e. Samsuddin Mallick and Laltu Khan as P.W. 1 and P.W.2 respectively.

This court has gone through the evidence of the P.W.1 and PW.2.

The main allegation against the accused persons is that since after marriage at Kandua Middya Para, P.S Panchla the accused persons being the husband and relative of husband of Rina Begum subjected her to cruelty by doing the act of physical and mental torture on demand of dowry and Sk. Saidul remarry Sonia Begum during the life of their wife Rina Begum.

However, on going through the evidence produced by the Prosecution this court does not find any evidence to show that since after marriage at Kandua Middya Para, P.S Panchla the accused persons being the husband and relative of husband of Rina Begum subjected her to cruelty by doing the act of physical and mental torture on demand of dowry and Sk. Saidul remarry Sonia Begum during the life of their wife Rina Begum.

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The witnesses could not give any concrete statement regarding the incident and the manner in which the accused persons committed the alleged offence and also the role played by the accused persons or their involvement in the commission of the crime. Summon was served upon the defacto complainant but she did not come before this court to adduce her evidence. Only two witnesses have come before this court but during their evidence they stated that they do not know anything about the incident. So, the Prosecution has produced neither. The prosecution did not examine the other witnesses of this case. There is no injury/medical report.

The evidence of all the witnesses hardly shows existence of any material to sustain the charge under section 498A/494/34 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 persons beyond any shadow of doubt, and, as such, the accused persons are entitled to get benefit of doubt in the instant case.

Hence, it is

O R D E R E D

that the accused persons namely, (1) Sk. Saidul, (2) Sabera Begum, (3) Banu Begum and (4) Rehena Begum are found not guilty of the offence U/s. 498A/494/34 of I.P.C. They are acquitted U/s. 248(1) of Cr.P.C. They are also discharged from their 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 16.04.2026

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

All the four accused persons are present and they have been examined U/s. 313 Cr.P.C.

The answers given by the accused persons U/s. 313 Cr.P.C. have been recorded in separate prescribed format which is kept with the record.

During examination U/s.313 Cr.P.C the accused persons stated that they would not adduce any D.Ws in support of his case.

Hence, the DW is closed today.

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

The accused persons are present before this court.

Ld. A.P.P. and Ld. Advocate for the accused persons 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

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1st Court, Howrah

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Judicial Magistrate,

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