

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: 24.06.2026] <u>G.R.No: 4586 of 2013</u> <u>(CIS No. 13305 of 2014)(CNR No.WBHW04-027519-2013)</u>	
Ref : Golabari PS Case no. 420 of 2013 dated 11.06.2013 under section 498A/323/34 of IPC & ¾ of D.P. Act	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) SUSHMA GOEL @ SUSHI GOEL KAMAL KUMAR GOEL OF P-1, MUKHRAM KANORIA ROAD, P.S GOLABARI, DISTRICT HOWRAH 2) KAMAL GOEL VIJAY PRAKASH GOEL OF P-1, MUKHRAM KANORIA ROAD, P.S GOLABARI, DISTRICT HOWRAH 3) VIJAY PRAKASH GOEL LATE KEDAR NATH GOEL OF P-1, MUKHRAM KANORIA ROAD, P.S GOLABARI, DISTRICT HOWRAH 4) ANU KUMAR GOEL VIJAY KUMAR GOEL OF P-1, MUKHRAM KANORIA ROAD, P.S GOLABARI, DISTRICT HOWRAH
REPRESENTED BY	LD. ADVOCATE RAMIZ MONDAL

Form B

DATE OF OFFENCE	11.06.2013
DATE OF FIR	11.06.2013
DATE OF CHARGE SHEET	25.06.2013
DATE OF FRAMING OF CHARGE	14.11.2014
DATE OF COMMENCEMENT OF EVIDENCE	29.11.2014
DATE ON WHICH JUDGMENT IS RESERVED	N.A.
DATE OF THE JUDGMENT	24.06.2026
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.PC
01	SUSHMA GOEL@ SUSHI GOEL	SURRENDER/ ARRESTED	15.06.2013	498A/323/34 of IPC & ¾ OF DP ACT	N.A
02	KAMAL GOEL	SURRENDER/ ARRESTED	15.06.2013	498A/323/34 of IPC & ¾ OF DP ACT	N.A
03	VIJAY PRAKASH GOEL	SURRENDER/ ARRESTED	15.06.2013	498A/323/34 of IPC & ¾ OF DP ACT	N.A
04	ANU KUMAR	SURRENDER/	15.06.2013	498A/323/34 of	N.A

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	GOEL	ARRESTED		IPC & ¾ OF DP ACT	
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FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS)
PW1	SUSHMA GOEL	DEFACTO COMPLAINANT
PW2	ANIL GUPTA	WITNESS
PW3	RAJESH GUPTA	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	THE SIGNATURE OF PW.1 ON THE WRITTEN COMPLAINANT

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 Golabari Police Station to the effect that, the defacto complainant got married with Anu Goel in the year 2005 as per Hindu Rites and Customs. At the time of marriage, parents of the defacto complainant gave gold ornaments and household articles. After few days of her marriage, the defacto complainant was subjected to torture mentally and physically by her husband over issue of more dowry and one of the accused persons outraged the female modesty of the defacto complainant. Finally, the defacto complainant was driven out from her in-laws house. 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 four (4) 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/323/34 of IPC & ¾ OF DP ACT** 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 as 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 the accused persons denied all the

allegations against them and refused to adduce defence evidences. The defense case is simply the denial of the prosecution's allegation and plea of innocence.

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 & ¼ OF DP ACT**?

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 & ¼ OF DP ACT** 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 Sushma Goel as PW-1 who identified the accused persons on dock and she deposed before this Court that she went to her matrimonial home and during her stay some disputes arose between the defacto complainant and the accused persons. So, she has filed this case against the accused persons. However, such dispute has been amicably settled between the defacto complainant and the accused persons. She identified her signature on the written complainant which has been marked as Exhibit P1(whole). During her cross-examination, she stated that she cannot remember the duration of the alleged incident. Her husband asked her to resume the marital life once again and she went there but cannot live with the accused person due his behavior. She has filed three maintenance cases against her husband but she cannot say the year of filing of the cases save and except the maintenance case filed in the year 2016.

9. In order to fortify its case, the prosecution has examined another witness namely Anil Gupta as PW-2 deposed before this Court that his sister had filed this case against all the accused persons and her sister got married to Anu Goel. He further stated that his sister namely Sushma Goel has filed this case against her husband and in laws due to some family disputes which has been amicably settled later on and he does not have any allegations against the accused persons. Witness Rajesh Gupta deposed before this Court that her sister has filed this case due to some family disputes which has been amicably settled later on. At present he has no allegations against the accused persons.

10. a close scrutiny of the evidences of PWs, it appears that the FIR story has got no corroboration from her evidence. Here, the prosecution had not taken the pain to declare the PWs hostile, rather accepted her testimony which in turn raises doubt in the mind of the Court in regard to genuineness of the prosecution's case.

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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 her 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, 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 & ¾ OF DP ACT** 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 person beyond all reasonable doubts and hence, the accused persons deserve to be acquitted from this case.

13. Hence, it is

ORDERED

That all the accused persons namely **SUSHMA GOEL@ SUSHI GOEL, KAMAL GOEL, VIJAY PRAKASH GOEL and ANU KUMAR GOEL** is found not guilty of offences punishable u/s **498A/323/34 of IPC & ¾ OF DP ACT** 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 24th 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)