

Form A

IN THE COURT OF THE LD. JUDICIAL MAGISTRATE, 5th COURT AT HOWRAH	
 Present : Smt. Anusha Lama, J.O. Code: WB01108 Judicial Magistrate, 5th Court, Sadar, Howrah. <u>[DATE OF DELIVERY OF JUDGMENT: 22.06.2026]</u> <u>G.R.NO: 6910 of 2013</u> <u>(CIS Number 2980/2015)</u> <u>T.R. Number No.254/2015</u> <u>C.N.R No.WBHW04-028301-2013</u> Arising out of Belur PS Case no. 388/2013 dated 10.11.2013 under Sections 354/506 of I.P.C.	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Ld. APP in-charge Keya Bakshi
ACCUSED	1. Basant Kumar Chowrashia @ Bhim, Son of Lt. Saligram Chowrashia of 46/1, Girish Ghosh Road, Belur P.S. District- Howrah.
REPRESENTED BY	Ld. Advocate MONOHER KUMAR TANDON

Form B

Date of Offence	10.11.2013
Date of FIR	10.11.2013
Date of Charge Sheet	30.11.2013
Date of Framing of Charges	06.09.2016
Date of Commencement of Evidence	28.04.2017
Date on which Judgment is reserved	N.A.
Date of the Judgment	22.06.2026
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	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
01.	Basant Kumar Chowrashia @ Bhim	Arrested on 10.11.2013	11.11.2013	U/S 354/506 of I.P.C.	ACQUITTED	N.A	N.A

Form C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	N.A.	N.A.

B. Defence Witness, if any : NO DEFENCE WITNESS HAS BEEN ADDUCED

C. Court Witness, if any : NO COURT WITNESS HAS BEEN EXAMINED

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution: NO DOCUMENTS HAS BEEN PRODUCED.

B. Defence Exhibits: NO DOCUMENTS HAS BEEN PRODUCED.

C. Court Exhibits: NOT APPLICABLE

D. Material Exhibits: NONE

JUDGMENT

The above named accused person stood for trial for committing offences punishable under Sections **354/506 of the Indian Penal Code** (hereinafter called as the “**IPC**”).

The prosecution case in brief is that, the de facto complainant namely, Rima Ojha, W/o- Chhotu Ojha of 34, Girish Ghosh Road, P.S. Belur, District- Howrah, submitted one written complaint before the O/C Belur P.S to the effect that, on 10.11.2013 at about 06:30pm while the de facto complainant was filling water from a tap, the above named accused person suddenly came there and caught hold of her hand and started talking to her in an indecent manner. When the de facto complainant shouted and tried to free her hand, the accused person threatened her with dire consequences and fled away. Hence, this case.

INVESTIGATION

The alleged incident was reported in the form of a written complaint. On the basis of the written complaint police started **Belur P.S. Case No. 388/2013** dated **10.11.2013**. After completion of investigation of the case I.O. submitted charge sheet being **Charge Sheet No.218/2013 dated 30.11.2013** under Sections **354/506** of I.P.C. Thereafter, Ld. CJM, Howrah was pleased to take cognizance of the case and transferred the case to this court for disposal.

CHARGE FRAMED

On **06.09.2016** charge was framed against the accused persons under **Sections 354/506 of I.P.C.** The contents of the charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried in open court. Hence this trial.

EVIDENCE ADDUCED

Innumerable summonses were issued upon the defacto complainant as well as the rest chargesheet witnesses but they remained untraceable as per the respective reports received from the O/C Belur P.S but no evidence has come against the accused person. As such the accused person is not examined U/S 313 Cr.P.C. The accused person declined to adduce any witness in his favour.

POINTS FOR DETERMINATION

1. Whether the accused person is guilty of committing offence Sections **354/506** of I.P.C.?
2. Has the prosecution been able to prove the case against the accused person beyond shadow of all reasonable doubt?

DISCUSSION, DECISION AND REASONS THEREOF

For the sake of brevity and precision. all the points are taken up together for discussion so that unnecessary repetition may be avoided. Now let me consider how far the prosecution has been able to prove its case.

In view of the offences alleged against the accused person, perusal of the materials on record and hearing both sides, this Court is of the view that the adjudication in this case depends upon the point of determination whether the prosecution has been able to prove its case beyond the scope of reasonable doubt.

Considering the foregoing discussion, it appears that none of the essential ingredients is proved by the prosecution beyond reasonable doubt to establish the offence Sections **354/506** of I.P.C.

It is also well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused person has to be tested. In case the charge is found to be proved, the accused person is sent to gallows, but if it is not proved, the accused must be set at liberty giving them the benefit of doubt. In the present case, the evidence on record, when tested on the touchstone of the often-quoted principle of “proof beyond reasonable doubt”, it appears to me that the prosecution has failed to prove the charges against the accused person.

Thus, the prosecution has miserably failed to prove its case beyond reasonable doubts. So, in this case the accused person is not liable to be punished since the charge against him has not been proved by the prosecution. Hence, he must be acquitted for absence of conclusive proof. So, I do not find any reason to believe that the accused person has committed the offence punishable Sections **354/506** of I.P.C.

Hence, it is

ORDERED

That the **sole** accused person namely, **Basant Kumar Chowrashia @ Bhim**, is found not guilty of the offence punishable Sections **354/506** of I.P.C. Accordingly, he is acquitted **U/S 248(1) Cr.P.C.** and set at liberty at once. The acquitted person also be released from his bail bond. Surety is also hereby discharged.

The I.O. is hereby directed to return the original document and seizure materials, to its owner, if any, in due course of time as per the provision of law. Inform the I.O. accordingly.

Let a copy of this Judgment of acquittal be forwarded to the District Magistrate and D.L.S.A concerned for due intimation to the victim as defined under Section 2(wa) 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.

D.A. to take steps.

Note in the T.R.

Dictated and corrected by me:

**Judicial Magistrate, 1st Class,
5th Court, Sadar, Howrah.**

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5th Court, Sadar, Howrah.**