

In the Court of the Judicial Magistrate, 1st Court, Uluberia, District: Howrah PRESENT: AKASH BOSE (U.I.D.WBJ01491) Judicial Magistrate, 1st Court, Uluberia, Howrah (Under Sections 143/448/323/380/34 of IPC) (T.R. No 394 of 20126) DATE OF JUDGMENT: 22nd DAY OF JUNE, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP ASIT KUMAR HAIT
ACCUSED	A-1. BABUR ALI A-2. SK SADDAM ALI A-3. SK ANSAR ALI A-4. RABIA BEGAM ALL OF VILL – BAGUR, SUBSIT PS – BAGNAN, DIST – HOWRAH.
REPRESENTED BY	DEBAPRASAD MUKHERJEE
Date of Offence	04/10/2011
Date of FIR	18/11/2011
Date of Chargesheet	28/04/2012
Date of Framing of Charge / plea	20/09/2013
Date of commencement of Evidence	16/05/2026
Date on which Judgment is reserved	22/06/2026
Date of Judgment	22/06/2026
Date of Sentencing Order, if any	NIL

Case No. G.R. 3078 of 2011
CIS No. GR 3078 of 2011
CNR: WBHW12001110-2011

ACCUSED DETAILS							
Rank of the Accused	Name of the 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.
A-1	BABUR ALI	Surrendered on 16.03.2012	Released on 16.03.2012	143/448/323 /380/34 of IPC	Acquitted	N/A	N/A
A-2	SK SADDAM ALI	Surrendered on 16.03.2012	Released on 16.03.2012	143/448/323 /380/34 of IPC	Acquitted	N/A	N/A
A-3	SK ANSAR ALI	Surrendered on 17.03.2012	Released on 17.03.2012	143/448/323 /380/34 of IPC	Acquitted	N/A	N/A
A-4	RABIA BEGAM	Surrendered on 17.03.2012	Released on 17.03.2012	143/448/323 /380/34 of IPC	Acquitted	N/A	N/A
LIST OF PROSECUTION WITNESS							
RANK		NAME		NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)			
PW1		Anowara Begum		DEFACTO COMPLAINANT			
PW2		Sk Osman Ali		WITNESS			

LIST OF DEFENCE WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF COURT WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL
LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
01	P1/PW1 (Series)	Signatures upon the Complaint

LIST OF DEFENCE EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF COURT EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF MATERIAL OBJECTS		
Sl. No.	Material Object Number	Description
	NIL	NIL

POINTS FOR DETERMINATION

- i) Whether the accused persons have committed offence punishable under Sections **143/448/323/380/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **143/448/323/380/34 of IPC** against the accused persons ?

DECISION WITH REASONS

1. Both the points are taken up together for convenience of discussions and to avoid repetition.
2. The instant case was initiated on the basis of a written complaint filed before Uluberia Court by stating that it is alleged that on 21.09.2011 at about 18.00 hours accused no 1 to 5 together came to the house of complainant with lathi, wood and illegally entered into her house and assaulted the complainant and her brother badly. At the time of alleged incident, her parents were absent and accused no 1 and 2 assaulted badly both the victims and accused no 2 and 5 tried to outrage the modesty of the complainant by pulling of her clothes and accused no 3 also took away one gold earring from her. Further, all the accused took away Rs 7,000/- cash from the complainant by breaking their almirah and also took valuable land documents and fled away. Further, they threatened the complainant with dire consequences. The matter was diarised before Bagnan PS vide GDE no – 1639, dated 21.09.2011 and from there, they have been sent to the Bagnan Rural Hospital for medical treatment. It is further alleged that the accused again assaulted physically the father of the complainant on 04.10.2011 and he was also admitted to Bagnan Hospital. NO action was taken by the local police and local police did not take any step and being aggrieved the instant case was filed.
3. On the basis of such written complaint vide Bagnan PS Case no – 526/2011, dated 18.11.2011 under Sections **448/323/380/354/34 of IPC** was initiated against the accused persons A-1 to A-5 and police took up investigation in the case.

4. The I/O of this case, namely SI A Saha of Bagnan PS HRD upon completion of the investigation submitted Charge-Sheet being No. 140/2012, dated 28.04.2012 under Sections 143/448/323/380/34 **of IPC** against the accused persons A-1 to A-5 in compliance with section 173(5) of the Code of Criminal Procedure.
5. On receipt of the Charge-Sheet, the then Ld. A.C.J.M., Uluberia, took cognizance of the offence and after complying the provisions of Section 207 of the Code of Criminal Procedure, transferred the case to this court for trial and final disposal vide order dated 29.09.2012.
6. On consideration of the materials on record and on hearing the Ld. A.P.P and the Ld. Counsel for the defence, charge was framed against the accused persons for the offences punishable under Sections 143/448/323/380/34 **of IPC** to which each of them claimed to be NOT GUILTY and pleaded to be tried and hence the trial commenced.
 6. Out of the nine (09) prosecution witnesses named in the charge-sheet, the prosecution examined complainant as PW-1 and PW-2.
 7. Now before entering into the merit of the prosecution case, this Court would like to reiterate the cardinal principle of criminal law and justice that the prosecution has to establish its case beyond all reasonable doubt. Through the testimony of the witnesses fortified by documentary proof, the prosecution has to build or form a chain of circumstances and the same should be so complete that there is no escape from the conclusion that within all probability the crime was committed by the accused person and none else and the evidence is consistent with the guilt of the accused person and inconsistent with the plea of innocence. There must be clear and unequivocal proof of the *corpus delicti*.
 8. PW-1/CSW-1 namely Anowara Begum has appeared on dock and stated that he has filed this case against the accused A-1 to A-5 and all are present today. The said complainant further identified his signatures upon the complaint. Let it be marked as Ext – P1/PW1 (Series). The said witness on dock has stated that he does not know regarding the alleged incident. During cross examination, the witness did not state any material facts against the accused. Further, another witness namely Sk Osman Ali who is the another victim of this case as per complaint copy did appear before this court and examined on dock in full and discharged. The said witness did not say any material facts against the accused rather the witness did not have any idea regarding the alleged incident.

Then PW evidence stands closed as per verbal submission made by Ld APP. Perusing the record and materials for the proper adjudication, the verbal prayer of Ld APP to close the prosecution evidence is hereby closed.
 9. Considering the trend of deposition of PW-1, Ld. APP prayed for closing the evidence of the other witnesses in connection with this case and accordingly

the prayer was allowed and evidence for the prosecution was closed on 16.05.2026 and due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 22.06.2026 and argument and judgment was fixed on 22.06.2026. After discharge, the prosecution witness as per prayer of Ld APP, I perused all the record and evidences and from bare perusal of the aforesaid document, I find that no such inculpatory material arise against the accused and thus if the 313 will be taken on same date, it would not be infringed or breach of justice.

10. From the thorough study and scrutiny of the evidence on record and also in the light of the arguments put forward by the Ld. APP and the Ld. Counsel for the defence, it is clear that the witnesses have failed to corroborate the complaint and the case and allegations leveled against the accused person in totality. None of the witnesses were successful in fully corroborating the FIR or naming or identifying the accused person. From the above deposition, it is appeared before this court, there was a dispute between the both parties and the dispute is civil in nature and due to that property dispute, the above mentioned complainant has filed this case before this court out of rage and presently at the time of examining witness, the concerned person failed to state any material facts and thus after perusing the materials on record, I do not find any inculpatory materials arose from this case. Moreover, the female victim witness has not corroborated or did not bring any material witness before this court regarding the offences relating to woman and both the witnesses on dock have admitted that they did not remember anything regarding this case.

11. It is pertinent to refer the case of **Kathi Bharat Vajsur & Anr. Vs. State of Gujrat [(2012) 5 SCC 724]** wherein the Hon'ble Apex Court reiterated that, *"It is a well settled principle of criminal trial that the guilt of the accused must be proved beyond reasonable doubt....."* Thus, putting the case on the touchstone as narrated above, I find that the evidences cited are not awe inspiring in forming up a string of events to establish the prosecution case beyond reasonable doubt. With such state of the evidences on record this court has no hesitation to declare that the prosecution has failed to prove the charges against the accused person A-1 to A-5. Accordingly, both the points for determination are decided in negative against the prosecution. Thus, the case failed and the accused person A-1 to A-5 are liable to be acquitted.

DECISION THEREOF

12. Hence,
it is,

ORDERED

that the accused person A-1 to A-5 are found **not guilty** of committing the offence punishable under sections 143/448/323/380/34 of IPC and he is **acquitted** from this case under section 248(1) of the CrPC.

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The accused person A-1 to A-5 are on Court bail and he is discharged forthwith from his bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR – 3078 of 2011 is disposed of.

Dictated by me.

Judicial Magistrate, 1st Court
Uluberia, Howrah

Judicial Magistrate, 1st Court
Uluberia, Howrah

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Order dated : 22.06.2026

Today is fixed for 313, argument and judgment.

Ld APP is present.

The accused A-1 to A-5 are present and files hazira.

All the accused are examined U/s 313 CrPC.

Heard argument at 2.00 pm and judgment passed on 4.20 pm.

Both parties are directed to be remain present.

Upon consideration of the materials on record and perusing the 313 and argument submitted by both Advocate of the respective parties and thus I consider that the accused A-1 to A-5 are not guilty and liable to be acquitted from this case.

Later ,

Both the parties are present.

Judgment is delivered in open court.

Judgment is written in separate sheets containing 6 pages are kept with the record.

As per judgment it is

ORDERED

that the accused person A-1 to A-5 are found **not guilty** of committing the offence punishable under sections **143/448/323/380/34 of IPC** and he is **acquitted** from this case under section 248(1) of the CrPC.

The accused person A-1 to A-5 are on Court bail and he is discharged forthwith from his bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR - 3078 of 2011 is disposed of.

Judgment is pronounced in open court on this 22nd day of June, 2026 at 4.20 PM.

Let a copy of this order be sent to Ld. Secretary, DLSA, Howrah.

Take a note in relevant register and cause list.

D/C by me

Akash Bose
J.M. 1st Court, Uluberia, Howrah

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