

In the Court of the Judicial Magistrate, 2nd Court, Uluberia, District: Howrah PRESENT: ESHARUL HAQUE (JO CODE - WB01482) Judicial Magistrate, 2nd Court, Uluberia, Howrah (Under Sections 329(3)/118(1)/351(3)/3(5) of BNS) (T.R. No. 40 of 2026) DATE OF JUDGMENT : 18th DAY OF JUNE, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP SANJIB KR HALDAR
ACCUSED	A-1. SK MIJANUR ALI @ SK MIJANUR RAHAMAN A-2. PUTUL BIBI A-3. JAHEDA KHATUN A-4. RAHIMA BIBI @ BEGAM ALL OF VILL – SASATI PS – SHYAMPUR, DIST – HOOGHLY.
REPRESENTED BY	PAUEL RAHAMAN
Date of Offence	21/09/2025
Date of FIR	21/09/2025
Date of Chargesheet	27/10/2025
Date of Framing of Charge / plea	27/01/2026
Date of commencement of Evidence	11/05/2026
Date on which Judgment is reserved	18/06/2026
Date of Judgment	18/06/2026
Date of Sentencing Order, if any	NIL

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	SK MIJANUR ALI @ SK MIJANUR RAHAMAN	Surrendered on 26.09.2025	Released on 26.09.2025	329(3)/118(1)/351(3)/3(5)of BNS	Acquitted	N/A	N/A
A-2	PUTUL BIBI	Surrendered on 26.09.2025	Released on 26.09.2025	329(3)/118(1)/351(3)/3(5)of BNS	Acquitted	N/A	N/A
A-3	JAHEDA KHATUN	Surrendered on 26.09.2025	Released on 26.09.2025	329(3)/118(1)/351(3)/3(5)of BNS	Acquitted	N/A	N/A
A-4	RAHIMA BIBI @ BEGAM	Surrendered on 26.09.2025	Released on 26.09.2025	329(3)/118(1)/351(3)/3(5)of BNS	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		Moibul Islam		DEFACTO COMPLAINANT			
PW2		Moslema Khatun		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	Signature upon the Written 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 **329(3)/118(1)/351(3)/3(5) of BNS** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **329(3)/118(1)/351(3)/3(5) of BNS** 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 O/C Shyampur PS by the de-facto complainant. The brief fact of the instant case is that the defacto complainant namely Maibul Islam has alleged that on 21.09.2025 at about 13.00 hrs, depending on the issue of previous grudge all the accused persons came to in front of complainant’s house and abused slang languages to the complainant. On being protest by the complainant, then the accused persons attacked and physically assaulted the complainant with fist and blows and they also assaulted DC by iron rod. Then, the complainant’s wife tried to rescue him but they also assaulted her and also threatened to the complainant with dire consequences. As a result, the complainant and her wife received injuries on their persons and treated at medically. Thereafter, the complainant has filed these case before the concerned PS for further relief.
- 3 . On the basis of such written complaint Shyampur PS Case no – 533/2025, dated

- 21.09.2025 under Sections **329(3)/117(2)118(1)/351(3)/3(5)** of BNS as 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 LPSI Nairita Roy of Shyampur PS HRD upon completion of the investigation submitted Charge-Sheet being No. 465/2025, dated 27.10.2025 under Sections **329(3)/118(1)/351(3)/3(5)** of BNS against the accused persons A-1 to A-4 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 07.01.2025.
- 6 . Out of the seven (07) prosecution witnesses named in the charge-sheet, the prosecution examined one defacto complainant as PW-1 and other witness as 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 persons and none else and the evidence is consistent with the guilt of the accused persons and inconsistent with the plea of innocence. There must be clear and unequivocal proof of the *corpus delicti*.
- 8 . PW-1/CSW-1 namely Moibul Islam has appeared and deposed. He stated that he is the defacto complainant of this case. He has filed this case before Shyampur PS against four accused persons. All are present before the court (identified). The issue/dispute is amicably settled between them. He has filed the case due to misunderstanding. He has no further allegations against the accused persons. During cross examination, the defacto complainant has stated that he has deposed voluntarily. He has no allegation against the accused persons.
- 9 . Further, another witness PW-2/CSW-2 namely Moslema Khatun has appeared and deposed. She stated that she knows the defacto complainant who is her husband. She filed this case against four accused persons. She has filed this case before Shyampur PS. All the accused persons are present today before the court (identified). She has no allegation against the accused persons. He is deposing voluntarily. During cross examination, the defacto complainant has stated that she has deposed voluntarily. She has no allegation against the accused persons.
- 10 . Considering the trend of deposition of PW-1 & PW-2, 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 11.05.2026 due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 18.06.2026. 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.

11 . 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 persons in totality. None of the witnesses were successful in fully corroborating the FIR or naming or identifying the accused persons.

12 . 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 persons A-1 to A-4. Accordingly, both the points for determination are decided in negative against the prosecution. Thus, the case failed and the accused persons A-1 to A-4 are liable to be acquitted.

DECISION THEREOF

13 . Hence,
it is,

ORDERED

that the accused persons A-1 to A-4 are found **not guilty** of committing the offence punishable under sections **329(3)/118(1)/351(3)/3(5) of BNS** and they are **acquitted** from this case under section 271(1) of BNSS.

The accused persons A-1 to A-4 are on Court bail and they are discharged forthwith from their 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 – 2601 of 2025 (New GR – 84 of 2026) is disposed of.

Dictated by me.

Judicial Magistrate, 2nd Court
Uluberia, Howrah

Judicial Magistrate, 2nd Court
Uluberia, Howrah

Case No. G.R. 2601 of 2025
CIS No. GR 84 of 2026
CNR: WBHW12000106-2026

G.R. No. 2601 of 2025
CIS No. GR – 84 of 2026
CNR: WBHW12000106-2026

Order dated : 18.06.2026

Today is fixed for 313, argument and judgment.

Ld APP is also present.

The accused A-1 to A-4 are present today and files hazira.

The statement of the accused persons U/s 313 of the CrPC was duly recorded. Let the 313 be kept with record. The accused are examined U/s 313 of Crpc they denied all the allegations and did not lead any evidence on their behalf.

Heard argument at 2.00 pm and judgment passed on 4.30 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-4 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 5 pages are kept with the record.

As per judgment it is

ORDERED

that the accused persons A-1 to A-4 are found **not guilty** of committing the offence punishable under sections **329(3)/118(1)/351(3)/3(5) of BNS** and they are **acquitted** from this case under section 271(1) of BNSS.

The accused persons A-1 to A-4 are on Court bail and they are discharged forthwith from their 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 – 2601 of 2025 (New GR – 84 of 2026) is disposed of.

Judgment is pronounced in open court on this 24th day of June, 2026 at 4.30 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

Esharul Haque
J.M. 2nd Court, Uluberia,Howrah

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