

Case No. G.R. 2356 of 2023  
CIS No. GR 304 of 2024  
CNR: WBHW12000779-2024

<p><b>In the Court of the Judicial Magistrate, 1<sup>st</sup> Court, Uluberia (I/C)</b> <b>District: Howrah</b> <b>PRESENT:</b> <b>MOUMITA MALLICK (JO CODE - WB01472)</b> <b>Judicial Magistrate, 1<sup>st</sup> Court,</b> <b>Uluberia, Howrah (I/C)</b> <b>(Under Sections 448/323/325/354/506/34 of IPC)</b> <b>(T.R. No. 161 of 2024)</b></p> <p><b>DATE OF JUDGMENT : 10<sup>th</sup> DAY OF MARCH, 2026</b></p>	
<b>COMPLAINANT</b>	<b>STATE OF WEST BENGAL</b>
<b>REPRESENTED BY</b>	<b>LD APP SANJIB KR HALDAR</b>
<b>ACCUSED</b>	<b>A-1. PRABIR GUCHHAIT</b> <b>A-2. PRAFULLA GUCHHAIT</b> <b>A-3. PARUL GUCHHAIT</b> <b>A-4. KRISHNA SAU @ KRISHNA</b> <b>SAMANTA</b>  <b>ALL OF VILL – NAHALA,</b> <b>PS – BAGNAN,</b> <b>DIST – HOWRAH.</b>
<b>REPRESENTED BY</b>	<b>DEBAPRASAD MUKHERJEE &amp;</b> <b>SAJID MALLICK</b>
Date of Offence	29/08/2023
Date of FIR	26/09/2023
Date of Chargesheet	31/10/2023
Date of Framing of Charge / plea	12/03/2025
Date of commencement of Evidence	09/02/2026
Date on which Judgment is reserved	10/03/2026
Date of Judgment	10/03/2026
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	<b>PRABIR GUCHHAIT</b>	Surrendered on 06.10.2023	Released on 06.10.2023	<b>448/323/325/354/506/34 of IPC</b>	Acquitted	N/A	N/A
A-2	<b>PRAFULLA GUCHHAIT</b>	Surrendered on 06.10.2023	Released on 06.10.2023	<b>448/323/325/354/506/34 of IPC</b>	Acquitted	N/A	N/A
A-3	<b>PARUL GUCHHAIT</b>	Surrendered on 06.10.2023	Released on 06.10.2023	<b>448/323/325/354/506/34 of IPC</b>	Acquitted	N/A	N/A
A-4	<b>KRISHNA SAU @ KRISHNA SAMANTA</b>	Surrendered on 06.10.2023	Released on 06.10.2023	<b>448/323/325/354/506/34 of IPC</b>	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		Suparna Shaw		DEFACTO COMPLAINANT			
PW2		Astom Shaw		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

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LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
01	P1/PW1 (Series)	Signature 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 **448/323/325/354/506/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **448/323/325/354/506/34 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 Ld ACJM Uluberia Court. That on 26/09/2023 at 21:30 hrs received a court complaint from Ld ACJM Uluberia vide MP No – 700/2023 which was filed by the complainant to the fact that on 29/08/2023 at about 19:00 hrs, the FIR named alleged persons entered into the house of complainant, assaulted her, outraged her female modesty over the issue of previous grudge. When the complainant’s husband tried to save her, the alleged persons assaulted him also, took gold ornaments and cash of Rs 10,000/- from her house and threatened her with dire consequences. As a result, complainant received injury and treated at Bagnan Rural Hospital. Thereafter, she has filed this case before the Ld ACJM Uluberia U/s 156(3) CrPC for further relief.
3. On the basis of such written complaint Bagnan PS Case no – 539/2023, dated 26.09.2023, under Sections 448/323/325/354/379/506/34 of IPC was initiated against the accused persons A-1 to A-4 and police took up investigation in the case.
4. The I/O of this case, namely ASI Rabin Kora of Bagnan PS upon completion of the

investigation submitted Charge-Sheet being No. 616/2023, dated 31.10.2023 under Sections 448/323/325/354/506/34 of IPC against the accused persons A-1 and 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 20.01.2024.
6. Out of the nine (09) 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 Suparna Shaw deposed and appeared and stated that she is the defacto complainant of this case. She has filed this case U/s 156(3) CrPC before Ld ACJM Uluberia against the four accused persons. She identified her signature on the complaint and the same along with the complaint was marked as Ext – P1/PW1 (Series). Nothing substantial was revealed from the said witness.
9. Then PW-2/CSW-2 namely Astom Shaw being the husband of the complainant voluntarily deposed that he do not remember anything.
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 09.02.2026 due to lack of inculpatory statement of PWs and all the accused persons were examined U/s 313 CrPC on 10.03.2026. Upon hearing the submission of Ld APP and further upon perusal of all the record and evidences, 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 448/323/325/354/506/34 of IPC and they are **acquitted** from this case under section 248(1) of CrPC.

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 – 2356 of 2023 (New GR – 304 of 2024) is disposed of.

Dictated by me.

Judicial Magistrate, 1<sup>st</sup> Court  
Uluberia, Howrah (I/C)

Judicial Magistrate, 1<sup>st</sup> Court  
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**Order dated : 10.03.2026**

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 and they were examined U/s 313 CrPC.

Heard argument at 2.00 pm and judgment passed on 4.40 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 and 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 448/323/325/354/506/34 of IPC and they are **acquitted** from this case under section 248(1) of CrPC.

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 – 2356 of 2023 (New GR – 304 of 2024) is disposed of.

Judgment is pronounced in open court on this 10<sup>th</sup> day of March, 2026 at 4.40 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

Moumita Mallick

J.M. 1<sup>st</sup> Court, Uluberia,Howrah (I/C)

Moumita Mallick

J.M. 1<sup>st</sup> Court, Uluberia, Howrah (I/C)