

Case No. G.R. 179 of 2020
CIS No. G.R. 748 of 2026
CNR: WBHW12003011-2026

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 447/341/323/506/34 of IPC) <u>(T.R. No. 491 of 2026)</u> DATE OF JUDGMENT: 14th DAY OF JULY, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP ASIT KUMAR HAIT
ACCUSED	A-1. SAHAJAHAN MALLICK A-2. SAMSUR JAMAL MALLICK A-3. RUKSONA BEGUM A-4. GOLAM MALLICK ALL OF VILL – KHAJUTI BADSHA MORE, PS – BAGNAN, DIST – HOWRAH.

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REPRESENTED BY	WASIM KHAN & MD ROHIT KHAN
Date of Offence	20/01/2020
Date of FIR	20/01/2020
Date of Chargesheet	30/01/2020
Date of Framing of Charge / plea	02/06/2026
Date of commencement of Evidence	23/06/2026
Date on which Judgment is reserved	14/07/2026
Date of Judgment	14/07/2026
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	SAHAJAHAN MALLICK	Surrendered on 18.02.2026	Released on 18.02.2026	447/341/323/506/34 of IPC	Acquitted	N/A	N/A
A-2	SAMSUR JAMAL MALLICK	Surrendered on 18.02.2026	Released on 18.02.2026	447/341/323/506/34 of IPC	Acquitted	N/A	N/A
A-3	RUKSONA BEGUM	Surrendered on 18.02.2026	Released on 18.02.2026	447/341/323/506/34 of IPC	Acquitted	N/A	N/A
A-4	GOLAM MALLICK	Surrendered on 18.02.2026	Released on 18.02.2026	447/341/323/506/34 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		Kamu Begum		DEFACTO COMPLAINANT			
PW2		Jalal Mallick		WITNESS			

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

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NIL	NIL	NIL
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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
	NIL	NIL
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 **447/341/323/506/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **447/341/323/506/34 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 . **1.Factual Backdrops :**
- 3 . a) The prosecution case as revealed from the record, in a nutshell, is that the de-facto complainant has filed a written complaint before I/C Bagnan PS and stated that there was a long civil dispute with the defacto complainant and accused persons and due to said issue the accused on 20.01.2020 at about 15.15 hrs, as per pre planned came together and assaulted the son of the complainant with brick, wooden bamboo and also inflicted injury upon the

victim. Further, they tried to kill the complainant as well as his son and the complainant was also injured at the time of saving his son from the hand of the accused. They shouted for help and with the help of local people somehow managed to save themselves. After the alleged incident, the victim was brought to the concerned hospital for medical treatment and later as per doctor advice he was transferred to Uluberia SD Hospital for further medical treatment. Being aggrieved the instant case was filed before the concerned PS.

b) On the basis of the instant complaint of Bagnan PS Case no. – **30/2020, dated 20.01.2020** was initiated and after investigation charge-sheet no. **12/2020, dated 30.01.2020** was submitted against the accused persons under Sections **447/341/323/506/34 of Indian Penal Code**.

4. c) The accused persons appeared before the Court of Ld. A.C.J.M, Uluberia and thereafter the case was transferred to this Court for trial and disposal on 18.02.2026. The substance of accusations under Sections **447/341/323/506/34 of Indian Penal Code** was read over and explained to the accused persons on 02.06.2026 to which they pleaded "not guilty" and claimed to be tried.

5. **Evidence on record:**

Prosecution has relied upon 2 out of 6 charge-sheeted witnesses in order to prove the instant case who is as follows:-

a) Kamu Begam as defacto complainant appeared as PW1 and Jalal Mallick as victim as PW2.

Following document was marked as Exhibit in support of the case of the prosecution:-

Serial no.	Document	Exhibit
NIL	NIL	NIL

6. 3.The accused persons were examined u/s 313 Cr. P.C. and pleaded innocence.

7. 4. No evidence was adduced on behalf of the accused persons.

8. 5. Heard the argument made by the Ld. A.P.P. and Ld. Defence Counsel.

9. **6. Points for Consideration.**

10. i.) Whether the accused persons have committed the offence of cruelty to married a woman and abused her using filthy languages ?

11. ii.) Whether the prosecution has been able to prove the instant case beyond all shadow of reasonable doubt?

12. **7. Decision with reasons :**

13. a) In order to avoid unnecessary repetition and for the sake of brevity and convenience all the points of consideration are taken up together for discussion and adjudication.

14. c) On scrutiny of the evidence of the P.W 1 it is seen that, Kamu Begum, the de-facto complainant, has stated on dock that she has filed the instant case against A-1 to A-4 but she failed to recollect why she filed the instant case. She also stated it on dock that the instant case has been filed out of misunderstanding. That, she put her LTI upon the complaint copy.
15. Further, the prosecution has adduced the witness who is the victim of this case namely Jalal Mallick who is appeared on dock as PW2. The said witness on dock has identified the defacto complainant as his mother and also identified all the accused but surprisingly he did not state any inculpatory fact against the accused.
16. f) It has also been alleged by the de-facto complainant in the F.I.R that the accused persons have abused him and thus, committed the offence of criminal intimidation and assaulted him. While deposing as P.W -1 the de-facto complainant did not state any fact regarding the commission of the offence by the accused persons under this Section. Further, the victim did not state anything and there is a presumption of this court that due to a civil dispute as alleged the instant case was filed by the defacto complainant.
17. j) Thus, it can be concluded that the prosecution has failed to establish the commission of offences labeled against the accused persons beyond all shadows of reasonable doubt. No incriminating material has come up in the instant case against the accused persons. Henceforth, the accused persons gets the benefit of doubt and are set at liberty and the instant case fails.

18. **H e n c e,**

19. **it is,**

20. **ORDERED**

21. **that all the accused persons namely, A-1 to A-4 are being found not guilty of the offence punishable u/s 447/341/323/506/34 of Indian Penal Code and are acquitted from the charge of this case u/s 248 (1) CrPC.**

22. **Let the accused persons be released at once and be discharged from the respective bail bonds. The sureties are accordingly discharged.**

23. **The instant case is thus disposed of.**

24. **Note in T.R.**

25. **D/C**

Dictated by me.

Judicial Magistrate, 1st Court
Uluberia, Howrah

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Order dated : 14.07.2026

Today is fixed for 313, argument and judgment if possible.

The accused are present.

Ld APP is also present.

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

The accused file 313 on behalf of all accused.

Let the 313 be kept with record. The accused are examined U/s 313 of Crpc they deny to adduce 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 **447/341/323/506/34 of Indian Penal Code** 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 – 179 of 2020 (New GR – 748 of 2026) is disposed of.

Judgment is pronounced in open court on this 14th day of July, 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

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

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