

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 498A/34 of IPC) (T.R. No. 239 of 2022) DATE OF JUDGMENT : 27th DAY OF JULY, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP SANJIB KR HALDAR
ACCUSED	A-1. SK HANNAN ALI A-2. SK AKBAR ALI A-3. SK HAFIJA BEGUM A-4. PARVINA BEGUM ALL OF VILL – ULUGHATA PO – KHURIGACHI, PS – SHYAMPUR, DIST - HOWRAH.
REPRESENTED BY	SRIMANTA ROY
Date of Offence	28/10/2020
Date of FIR	25/11/2020
Date of Chargesheet	28/02/2021
Date of Framing of Charge / plea	09/12/2025
Date of commencement of Evidence	09/12/2025
Date on which Judgment is reserved	27/07/2026
Date of Judgment	27/07/2026
Date of Sentencing Order, if any	NIL

Case No. G.R. 2153 of 2020
CIS No. GR 2153 of 2020
CNR: WBHW12003413-2020

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 HANNAN ALI	Surrendered on 18.02.2022	Released on 18.02.2022	498A/34 of IPC	Acquitted	N/A	N/A
A-2	SK AKBAR ALI	Surrendered on 28.12.2020	Released on 28.12.2020	498A/34 of IPC	Acquitted	N/A	N/A
A-3	SK HAFIJA BEGUM	Surrendered on 28.12.2020	Released on 28.12.2020	498A/34 of IPC	Acquitted	N/A	N/A
A-4	PARVINA BEGUM	Surrendered on 28.12.2020	Released on 28.12.2020	498A/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		Salma Begum		DEFACTO COMPLAINANT			

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 Hand Written Complaint
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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 **498A/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **498A/34** 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 Shyampur PS by the de-facto complainant. The brief fact of the instant case is that the defacto complainant namely Salma Begum got married with accused no 1 Sk Hannan Ali on 12.04.2012 as per Muslims rites and customs and after six years of marriage, she has been subjected to both physical and mental torture by the accused persons. Due to her wedlock, she gave birth two children. The accused no 1 married with another woman and stayed in a rented room. The accused no 1 also threatened her to kill and abused her with filthy languages. That, lastly on 28.10.2020, the accused no 1 assaulted her and tried to press a pillow on her face in attempt to kill her. As a result, the complainant become unconscious and after that, she went to her father's house. Being aggrieved the complainant has filed this case before Ld ACJM Uluberia U/s 156(3) CrPC.
- 3 . On the basis of such written complaint Shyampur PS Case no – 366/2020, dated 25.11.2020 under Sections 498A/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 PSI Sajahan Ali Mondal of Garchumuk TPOP under Shyampur PS upon completion of the investigation submitted Charge-Sheet being No. 55/2021, dated 28.02.2021 under Sections 498A/34 of IPC 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 18.02.2022.
- 6 . Out of the six (06) prosecution witnesses named in the charge-sheet, the prosecution examined one defacto complainant as PW-1.
- 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 Salma Begum appeared and deposed. She stated that she is the defacto complainant of this case. She has filed this case before Shyampur PS against four accused persons. All accused persons are present before the court (identified). Hand Written complaint is shown to the complainant. She identifies her signature over there. Let her signature be marked as **Ext – P1/PW1**. The issue/dispute is amicably settled between them. She has filed the case out of misunderstanding. She has no further allegations against the accused persons. At present she is residing at her matrimonial home peacefully. During cross examination, the defacto complainant has stated that she has deposed voluntarily. She has no allegation against the accused persons.
- 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 09.12.2025 due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 27.07.2026. 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 persons in totality. None of the witnesses were successful in fully corroborating the FIR or naming or identifying the accused persons.
- 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 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

12 . Hence,
 it is,

ORDERED

that the accused persons A-1 to A-4 are found **not guilty** of committing the offence punishable under sections **498A/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 – 2153 of 2020 is disposed of.

Dictated by me.

Judicial Magistrate, 2nd Court
Uluberia, Howrah

Judicial Magistrate, 2nd Court
Uluberia, Howrah

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Order dated : 27.07.2026

Record is put up today on the strength of put up petition filed by Ld Advocate of the accused persons. Put up petition is allowed.

Ld APP is present.

The accused are further produce 313 today by 1 pm and argument was heard in 2.20 pm in presence of both parties.

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.

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

Heard argument at 2.20 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 **498A/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 – 2153 of 2020 is disposed of.

Judgment is pronounced in open court on this 27th 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

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

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