

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 341/323/506/34 of IPC) (T.R. No. 425 of 2017) DATE OF JUDGMENT : 12th DAY OF JUNE, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP SANJIB KR HALDAR
ACCUSED	A-1. SK SAIDUL RAHAMAN A-2. SK TAIBUR RAHAMAN A-3. SK HAFIJUL RAHAMAN A-4. SK MAIDUL RAHAMAN A-5. SK AJIJUL ALL OF VILL – AMTALA, PS – ULUBERIA, DIST - HOWRAH.
REPRESENTED BY	ANINDO BOSE
Date of Offence	14/03/2017
Date of FIR	25/03/2017
Date of Chargesheet	29/04/2017
Date of Framing of Charge / plea	08/11/2019
Date of commencement of Evidence	18/10/2025
Date on which Judgment is reserved	12/06/2026
Date of Judgment	12/06/2026
Date of Sentencing Order, if any	NIL

Case No. G.R. 801 of 2017
CIS No. GR 2531 of 2017
CNR: WBHW12003662-2017

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 SAIDUL RAHAMAN	Surrendered on 15.06.2017	Released on 15.06.2017	341/323/506/34 of IPC	Acquitted	N/A	N/A
A-2	SK TAIBUR RAHAMAN	Surrendered on 10.04.2017	Released on 10.04.2017	341/323/506/34 of IPC	Acquitted	N/A	N/A
A-3	SK HAFIJUL RAHAMAN	Surrendered on 10.04.2017	Released on 10.04.2017	341/323/506/34 of IPC	Acquitted	N/A	N/A
A-4	SK MAIDUL RAHAMAN	Surrendered on 10.04.2017	Released on 10.04.2017	341/323/506/34 of IPC	Acquitted	N/A	N/A
A-5	SK AJIJUL	Surrendered on 15.06.2017	Released on 15.06.2017	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		Sk Kutubuddin		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 Typed 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 Section **341/323/506/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Section **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 . The instant case was initiated on the basis of a written complaint filed before I/C Uluberia PS by the de-facto complainant. The brief fact of the instant case is that the defacto complainant namely Sk Kutubuddin on 14.03.2017 when he was returning home from Kolkata and near the hospital more, five to six persons all on sudden started abusing him with filthy languages. The accused persons snatched his money bag and he was assaulted by them. The accused persons also threatened with dire consequences. Thereafter, the complainant has filed these case before the concerned PS for further relief.
- 3 . On the basis of such written complaint Uluberia PS Case no – 266/2017, dated 25.03.2017 under Sections 341/323/379/506/34 of IPC was initiated against the accused persons A-1 to A-6 and police took up investigation in the case.
- 4 . The I/O of this case, namely ASI Sanatan Tudu of Uluberia PS upon completion of the investigation submitted Charge-Sheet being No. 340/2017, dated 29.04.2017 under Sections 341/323/506/34 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 15.06.2017.

- 6 . Out of the seven (07) 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 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 Sk Kutubuddin appeared and deposed. He stated that he is the defacto complainant of this case. He has filed this case before Uluberia PS against six accused persons. Five accused persons are present before the court (identified). One accused person is not charge sheeted. Written Complaint is shown to the complainant. He identifies his signature over there. Let the signature be marked as **Ext – P1/PW1**. During his cross examination, he stated that the issue/dispute is amicably settled between them. He has no further allegations against the accused persons. The defacto complainant has stated that he has deposed voluntarily. He has no allegation against the accused persons. Police never interrogate him.
- 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 02.06.2026 due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 12.06.2026. 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 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-5. 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-5 are liable to be acquitted.

DECISION THEREOF

12. Hence,
it is,

ORDERED

that the accused persons A-1 to A-5 are found **not guilty** of committing the offence punishable under sections **341/323/506/34 of IPC** and they are **acquitted** from this case under section 248(1) of CrPC.

The accused persons A-1 to A-5 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 – 801 of 2017 (New GR – 2531 of 2017) is disposed of.

Dictated by me.

Judicial Magistrate, 2nd Court
Uluberia, Howrah

Judicial Magistrate, 2nd Court
Uluberia, Howrah

Case No. G.R. 801 of 2017
CIS No. GR 2531 of 2017
CNR: WBHW12003662-2017

G.R. No. 801 of 2017
CIS No. GR – 2531 of 2017
CNR: WBHW12003662-2017

Order dated : 12.06.2026

Today is fixed for 313, argument and judgment.

Ld APP is also present.

The accused A-1 to A-5 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 4.20 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 5 pages are kept with the record.

As per judgment it is

ORDERED

that the accused persons A-1 to A-5 are found **not guilty** of committing the offence punishable under sections **341/323/506/34 of IPC** and they are **acquitted** from this case under section 248(1) of CrPC.

The accused persons A-1 to A-5 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 – 801 of 2017 (New GR – 2531 of 2017) is disposed of.

Judgment is pronounced in open court on this 12th 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

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

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