

Case No. G.R. 2404 of 2021
CIS No. GR 2404 of 2021
CNR: WBHW12004914-2021

In the Court of the Judicial Magistrate, 1st Court, Uluberia, District: Howrah PRESENT: SRI AKASH BOSE (JO CODE - WB01491) Judicial Magistrate, 1st Court, Uluberia, Howrah (Under Sections 447/323/195A/354B/506/34 of IPC) (T.R. No. 239 of 2022) DATE OF JUDGMENT: 10th DAY OF APRIL, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP ASIT KUMAR HAIT
ACCUSED	A-1. ACHINTYA JYOTI A-2. TAPAN JYOTI A-3. RIKTA JYOTI ALL OF VILL – GOHALBERIA, PS – SHYAMPUR, DIST – HOWRAH.
REPRESENTED BY	SK AZHARUDDIN & ARPITA KAYAL
Date of Offence	17/10/21
Date of FIR	18/10/21
Date of Chargesheet	31/10/21
Date of Framing of Charge / plea	05/11/22
Date of commencement of Evidence	29/01/26
Date on which Judgment is reserved	10/04/26
Date of Judgment	10/04/26
Date of Sentencing Order, if any	NIL

Case No. G.R. 2404 of 2021
CIS No. GR 2404 of 2021
CNR: WBHW12004914-2021

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	ACHINTYA JYOTI	Surrendered on 30.10.2021	Released on 30.10.2021	447/323/195A/354B/506/34 of IPC	Acquitted	N/A	N/A
A-2	TAPAN JYOTI	Surrendered on 30.10.2021	Released on 30.10.2021	447/323/195A/354B/506/34 of IPC	Acquitted	N/A	N/A
A-3	RIKTA JYOTI	Surrendered on 07.02.2022	Released on 07.02.2022	447/323/195A/354B/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		Tapati Mondal		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	Signatures upon the Complaint

Case No. G.R. 2404 of 2021
CIS No. GR 2404 of 2021
CNR: WBHW12004914-2021

02	P2/PW1	Signatures upon the formal FIR
----	--------	--------------------------------

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 **447/323/195A/354B/506/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **447/323/195A/354B/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 O/C Shyampur PS by the de-facto complainant. The brief fact of the instant case is that the defacto complainant lodged a written complaint to the effect that the complainant is presently residing in her father's house and due to family dispute, she has filed a case against the accused few months back vide Shyampur PS case no – 253/2021, dated - 01.07.2021. The complainant further alleged that the accused threatened her on regular basis to withdraw the said case and on 17.10.2021 at about 10 am as per pre-planned they came together and abused and threatened the complainant with dire consequences. Further, accused A-1 and A-2 assaulted the complainant with fist, blow, kick and accused A-3 pushed her into the ground and they all assaulted her badly. Further, her father came to rescue her and all accused assaulted him badly and further accused A-1 and A-3 outraged the modesty of the complainant by toring her clothes and also threatened her to kill. Further, with the help of local people, somehow the complainant managed to go to Nabagram Health Centre. Thereafter, she has filed before the concerned PS for further relief.
3. On the basis of such written complaint Shyampur PS Case no – 410/2021, dated 18.10.2021, under Sections 448/323/325/307/195A/354B/506/34 of IPC was initiated against the accused persons A-1 to A-6 and police took up investigation in the case.

Case No. G.R. 2404 of 2021
CIS No. GR 2404 of 2021
CNR: WBHW12004914-2021

- 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. 343/2021, dated 31.10.2021 under Sections 447/323/195A/354B/506/34 of IPC against the accused persons A-1 to A-3 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 07.02.2022.
- 6 . Out of the eight (08) 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 Tapati Mondal deposed and appeared and stated that she is the defacto complainant of this case. She has filed this case before Shyampur PS against A-1 to A-3 who are present before the court (identified). This is the FIR lodged by her which bears her signatures. Signatures of complainant is marked as Ext – P1/PW1. That, this is the signature upon the formal FIR which is being marked as Ext – P2/PW1. That, she failed to recollect the incident and she had no allegation against the accused persons. She is deposing voluntarily. During cross examination, she admitted that she has no allegation against the accused persons. Police did not interrogate her. Further, in terms of deposition of another victim who is the father of complainant is unable to come before this court due to her old age and physical condition.
- 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 29.01.2026 due to lack of inculpatory statement of PWs and after that all the accused persons were examined U/s 313 CrPC has been given by all the accused on 10.04.2026. 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 Section 313 CrPC will be taken on same date, it would not infringe or cause 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 person 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-3. 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-3 are liable to be acquitted.

DECISION THEREOF

12 . Hence,
it is,

ORDERED

that the accused persons A-1 to A-3 are found **not guilty** of committing the offence punishable under section **447/323/195A/354B/506/34 of IPC** and they are **acquitted** from this case under section 248(1) of the CrPC.

The accused persons A-1 to A-3 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 – 2404 of 2021 is disposed of.

Dictated by me.

Judicial Magistrate, 1st Court
Uluberia, Howrah

Judicial Magistrate, 1st Court
Uluberia, Howrah

Case No. G.R. 2404 of 2021
CIS No. GR 2404 of 2021
CNR: WBHW12004914-2021

G.R. No. 2404 of 2021
CIS No. GR – 2404 of 2021
CNR: WBHW12004914-2021

Order dated : 10.04.2026

Today is fixed for 313, argument and judgment.

Ld APP is present.

The accused A-1 to A-3 is present and files hazira.

The accused are further produce 313 today by 1 pm and argument was heard in 2.00 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.

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 to A-3 are not guilty and liable to be acquitted from this case.

Later ,

Both the sides 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-3 are found **not guilty** of committing the offence punishable under sections **447/323/195A/354B/506/34 of IPC** and they are **acquitted** from this case under section 248(1) of the CrPC.

The accused persons A-1 to A-3 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 – 2404 of 2021 is disposed of.

Judgment is pronounced in open court on this 10th day of April, 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

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

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