

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, MAL, JALPAIGURI

Present : **Sri Sanjoy Ranjan Paul,(WB 00746)**
Addl. Sessions Judge, Mal, Jalpaiguri.

S.C. – 45 of 2024
(Computer No.08/2024)
S.T. 10 (December) 2025

Charge U/S. 376/493 of IPC. GR 4116/17

State of West Bengal
vs.
Habibul Islam @ Habib.....Accused person

Order No. 08 dated 21.07.2026

Accused person namely Habibul Islam @ Habib on bail is present physically by filing hajira with Ld. Advocate. The Ld P.P.-in-charge is also present.

Today is fixed for examination of accused person u/s 313 Cr.P.C.

Record is now taken up for examination u/s 313 Cr.P.C. There is no material in evidence to examine him u/s 313 Cr.P.C.

Record is now taken up for argument as per submissions of the Ld. Advocates of the parties to expedite the matter.

Heard argument on the part of the Ld. Advocates of both sides.

Fixed today at 3.00 p.m. for delivery of judgement.

Dictated & corrected by me.

Addl. Sessions Judge
Mal, Jalpaiguri.

Addl. Sessions Judge
Mal, Jalpaiguri.

LaterOrder No. 09 dated 21.07.2026

It is now 3.00 p.m. Record is now taken up for delivery of judgement. The accused person namely Habibul Islam @ Habib faced trial for the charge in regard to the offence punishable u/s 376/493 of Indian Penal Code.

The prosecution examined three witnesses namely Prosecutrix/Victim, Enamul Haque and Abed Ali in this case.

PW1- the Prosecutrix deposed that she lodged the complaint in the year 2017 at Mal PS against the accused person. It was written by Osman Gani in Bengali language

S.C. – 45 of 2024
S.T. 10 (December) 2025

=2=

Contd.....Order No. 9 dated 21.07.2026

as per her instruction. She proved her written complaint and her signature and the same have been marked as exhibits. She further deposed that accused had vegetable business. He took a loan of Rs. 16,000/- from her for the purpose of business. Subsequently, the accused did not repay the same. Repeated request was made for repay the money on the part of her, but in vain. Then she lodged this complaint. She deposed further that she was medically examined at Mal hospital. She proved her LTI and signature on medical report. The signature is marked as exhibit. During cross-examination, she stated that FIR was written as PS compound. The scribe was known to her and from her locality. She could not recollect the contents of the complaint. She also stated that she already received the loan amount from the accused.

PW 2- is Enamul Haque, who deposed that he knew the complainant/victim who is his neighbour. He identified the accused in court. He deposed that he did not know anything between accused and complainant. He also did not come across any issue of lending money by accused from complainant. His cross-examination was declined by defence.

PW 3- is Abed Ali, who deposed that he knew the complainant/victim who is his neighbour. He identified the accused in court. He deposed that he did not know anything between accused and complainant. He also did not come across any issue of lending money by accused from complainant. His cross-examination was declined by defence.

After exhausting the witnesses of fact and hearing both sides, I was constrained to close evidence for the prosecution as per prayer of the ld. PP. The accused person has not been examined u/s. 313 of Cr.P.C as there is no material to examine him.

After considering all materials on record and having look and regard to the evidence on record, I find that this is a case of no evidence and the accused person should be acquitted for the offence punishable U/S. 376/493 of IPC.

Hence, it is,

S.C. – 45 of 2024
S.T. 10 (December) 2025

=3=

Contd.....Order No. 9 dated 21.07.2026

ORDERED

That, the accused person namely Habibul Islam @ Habib is found not guilty for the offence punishable u/s 376/493 of IPC.

He is hereby acquitted from the charge u/s.232 of CrPC. He is freed from his charges.

He is also discharged from his bail bond. The surety is discharged from his responsibility regarding the bail bond. The accused person be set at liberty at once.

Alamat, if any, be disposed off as per rule after the appeal period is over.

Note in the relevant Register.

Dictated & corrected by me.

*Addl. Sessions Judge
Mal, Jalpaiguri.*

*Addl. Sessions Judge
Mal, Jalpaiguri.*