

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, MAL, JALPAIGURI

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

S.C. – 212 of 2025
S.T. 08 (February) 2026

Charge U/S. 448/354/324/376 r/w Sec. 511 of IPC.

State of West Bengal
vs.
Aminul Haque.....Accused person

Order No. 05 dated 03.07.2026

Accused person namely Aminul Haque 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. 06 dated 03.07.2026

It is now 3.00 p.m. Record is now taken up for delivery of judgement. The accused person namely Aminul Haque faced trial for the charge in regard to the offence punishable u/s 448/354/324/376 r/w Sec.511 of IPC.

The prosecution examined two witnesses namely Prosecutrix and Abdul Aziz in this case.

PW1- the Prosecutrix deposed that she lodged the complaint before Mal PS against the accused Aminul Haque on 04.09.2018. She identified the accused in court.

Contd.....Order No. 06 dated 03.07.2026

She deposed that the accused and her husband was working together as carpenter. Over the issue of money, a quarrel took place between the accused and her husband. When she raised objection and went to save her husband, she also sustained cut injury on her hand and treated at Mal hospital. Thereafter, she lodged this complaint. She further deposed that she was sent to Jalpaiguri Court for recording statement u/s 183 of BNSS. Her husband accompanied her to Jalpaiguri for giving statement u/s 183 of BNSS. She was sent to Mal hospital for her medical examination but she refused medical examination. She proved her written complaint and the same has been marked as Ext. P1. She proved her LTI in medical report dated 03.09.2018 and the entire medical report has been marked as Exbt. P2. She also proved her signature in the statement u/s 183 BNSS. The entire statement has been marked as Exbt. The LTI of witness on medical report has been marked as Exbt. P4. During cross-examination, she stated that she could not recollect the contents of the complaint. She could not recollect the exact date of complaint. She further stated that due to scuffling, she fell down on the ground and sustained injury. She could not remember what she has stated before Ld. Magistrate.

PW 2- husband of the prosecutrix deposed that his wife lodged the complaint before Mal PS against the accused Aminul Haque on 04.09.2018. He identified the accused in court. He further deposed that he- himself and accused were working together as carpenters. Over the issue of money, a quarrel took place between the him and accused at his house. During scuffling, he sustained pain upon his person. His wife raised objection and came to save him, at that time, his wife also sustained cut injury on her hand and treated at Mal hospital. Thereafter, she lodged this complaint. He further stated that his wife was sent to Jalpaiguri Court for recording statement u/s 183 of BNSS to Ld. JM 1st Court. He accompanied her wife to Jalpaiguri court. His wife was sent to Mal hospital for her medical examination. She refused medical examination. During cross-examination, he stated that he could not recollect the contents of the complaint. He could not recollect the exact date of complaint. Due to scuffling he fell down on the ground and sustained pain upon his body. He could not remember what his wife stated before Ld. Magistrate.

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.

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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. 448/354/324/376 r/w Sec. 511 of IPC.

Hence, it is,

ORDERED

That, the accused person namely Aminul Haque is found not guilty for the offence punishable u/s 448/354/324/376 r/w Sec. 511 of IPC.

He is hereby acquitted from the charge u/s.255 of BNSS. 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.*

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Mal, Jalpaiguri.*