

Form A

<u>In the Court of Ld. Additional District & Sessions Judge, 3rd Court, Berhampore, Murshidabad.</u> <u>Present: Sanjeev Kumar Sharma, W.B.J.S</u> (JO Code- WB00706) Date of the Judgment: 12th Day of June, 2026. SSL 597 of 2012 <u>S.T. No. 02/December/2014</u> (CNR No. - WBMD01-009665-2012) Hariharpara P.S. Case No. 180/2010 dated 04.05.2010 U/S 498A and 307/34 of IPC	
Complainant	STATE OF WEST BENGAL Samsunnahar Bibi daughter of Amirul Haque Mondal of village Kadalkati under PS Nowda, Murshidabad.
REPRESENTED BY	LD. Public Prosecutor, 1. MD. BAZLUR RAHAMAN
ACCUSED	1. Mahafuj Sha @ Rintu son of Abdul Hamid Sha of Tajpur village, PS Hariharpara, Murshidabad. 2. Salina Bibi wife of Sayim Mondal of Tentulberia, PS :Nakashipara, Nadia 3. Sabrin Mousumi wife of Nayem Mondal of village & PS :Islampur, Murshidabad and 4. Beauty Begum wife Jamal Biswas of Chandpur village, PS Nowda, Murshidabad.
REPRESENTED BY	Shri Prasenjit Ghosh

FORM B

Date of offence	22.04.2010
Date of FIR	04.05.2010

Date of Charge Sheet	27.06.2010
Date of Framing of Charges	10.12.2014
Date of commencement of Evidence	05.01.2021
Date on which Judgment reserved	08.06.2026
Date of Judgment	12.06.2026
Date of the Sentencing Order if any	NA

Accused Details

Rank of 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
01	Mahafuj Sha @ Rintu	Arrested on 16.05.2010	17.06.2010	U/S 498A and 307/34 IPC	Acquitted	NIL	NIL
02	Salina Bibi	Surrendered on 12.08.2010	12.08.2010				
03	Sabrin Mousumi	12.08.2010	12.08.2010				
04	Beauty Begum	09.06.2010	09.06.2010				

Form- C

LIST OF PROSECUTION/ DEFENCE /COURT WITNESS

A.. Prosecution:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Amirul Haque	Father of complainant
PW 2	Abul Hashen Mondal	Maternal uncle
PW 3	Sonarul Sk	Independent witness

B. Defence witness, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	NIL	NIL
DW2	NIL	NIL

C. Court Witness, if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1	NIL	NIL
CW 2	NIL	NIL

LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS

• Prosecution :

Sr. No	Exhibit Number	Description
01	Exhibit-1	Signature of complainant on the written complaint.

• Defence :

Sr. No	Exhibit Number	Description
01	Exhibit D-1/DW 1	NIL

02	Exhibit D-2/DW 2	NIL
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• **Court Exhibits:**

Sr. No	Exhibit Number	Description
01	Exhibit C-1/CW 1	NIL
02	Exhibit C-2/CW 2	NIL

• **Material Exhibits:**

Sr. No	Exhibit Number	Description
01	Nil	Nil

J U D G M E N T

Prosecution case in brief is that the complainant Samsunnahar Bibi was married to accused Mehefuj Sha on 16.12.2006 and the dowry demand of the accused and his family members was duly fulfilled. Out of the wedlock, a male child was born to her. After the birth of the male child, the accused persons being her husband and relatives of the husband began to pressurize her to bring Rs.1,50,000/- from her father's house and on inability of her father to meet their demand, the accused persons started to inflict torture upon her and finally on 22.04.2010, the accused persons assaulted her and at about 9.30 pm, they tried to set her ablaze by setting fire to her saree. She rescued herself by taking shelter at the house of a relative of the accused persons and on the following day, her father and maternal uncle took her to her parental house.

The complainant submitted written complaint before OC Hariharpara PS to the above effects on 04.05.2010. OC Hariharpara PS on the basis of such statement recorded Hariharpara PS Case No. 180/2010 dated 04.05.2010 and directed investigation of this case to SI Subrata Bhattacharya of the PS and he investigated the case and submitted charge-sheet against the accused persons before learned CJM, Murshidabad for the offence under section 498A and 307/34 of IPC.

The learned CJM, Murshidabad committed the case to the learned Sessions Judge, Murshidabad who in turn transferred the case to Learned Additional Sessions Judge, 2nd Court, Berhampore.

After considering the material on record, charge was framed against the accused persons for the offences u/S 498A and 307/34 IPC on 10.12.2014. The said charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

On 21.09.2020, the case record was transferred to this court for disposal.

In the span of more than 10 years, prosecution could examine only three witnesses. Report was received from Hariharpara PS that the complainant Samsunnahar Bibi expired on 11.06.2018.

Prosecution examined Amirul Haque the father of the complainant and Abul Hashen Mondal the maternal uncle of the complainant and one Sonarul Sk as PW1, PW2 and PW3. Signature of the complainant on the written complaint was marked as Exhibit-1.

During the pendency of the trial, accused Hamid Sha and Mamtaj Begum expired and the case was filed against them for ever.

The defence case, as it appears from the trend of cross-examination and statement of the accused persons u/s 313 CrPC, is of innocence and false implication.

In view of the charge framed against the accused persons the following points demand determination in this case.

1. Did the accused persons being husband and relatives of the husband subjected her to cruelty to press her for bringing money as alleged ?
2. Did the accused persons in furtherance of their common intention attempt to commit murder of the complainant as alleged ?

DECISION WITH REASONS

Heard arguments forwarded by learned PP in-charge and learned Defence Counsel.

It is found from the evidence of PW1 that his daughter, the complainant died on 11.06.2018. The evidence of the witness is that after the birth of a male child, the accused persons demanded more amount from his daughter and on 22.04.2010, they conjointly assaulted her and tried to kill her. He stated that the complainant took refuge to her next door neighbour and on the following day, he brought her and her child to his house. But in his cross-examination, he stated that his daughter never complained him against the accused persons and he never witnessed any rift between her and her husband and he could not recollect that who informed him about the torture upon his daughter.

PW2 the maternal uncle of the complainant also stated that after birth child accused persons began to demand cash from the complainant and he heard this fact from his sister. His cross-examination shows that he had little knowledge about the

matrimonial affairs of the complainant and he never visited the PS or other authority in support of the complainant.

Evidence of PW3 is that he heard from the complainant that the accused persons inflicted torture upon her for which she left her matrimonial house.

No other witness has come before this court.

The complainant unfortunately died before deposing. In the circumstances, the evidence of PW1 and PW2 appears crucial.

Looking at the evidence of the two witnesses who according to the FIR had brought the complainant to her parental house on the following date of the incident, we find that none of the witnesses spoke about the alleged setting of fire to the saree of the victim by the accused persons. The complaint states that PW1 and PW2 had brought the complainant to her parental house but there is nothing in evidence of PW1 to the effect that he was accompanied by PW2 when he brought her daughter from her matrimonial house. It rather from his evidence of PW1 that the relationship between the complainant and her husband was quite normal. PW2 also did not state that he went to bring the complainant from her matrimonial house. The witness did not whisper about the allegation of setting fire to the saree of the complainant by the accused persons. The evidence of witness is found to be hearsay only. PW3 is also hearsay witness. He did not speak of any dowry demand by the accused persons or the alleged attempt by the accused persons to set the complainant ablaze. The alleged incident occurred on 22.04.2010 but the FIR was lodged on 04.05.2010. Where there were serious allegations of setting fire to the complainant by the accused persons, the delay in lodging the FIR itself appears unreasonable. There is nothing in the evidence of PW Nos. 1, 2 and 3 that the complainant had suffered any burns or other injury.

Having considered the entire facts and circumstances of the case and evidence available on record, I find that the prosecution has failed to bring home the charge against the accused persons.

Hence, it is,

ORDERED,

that the accused persons are found not guilty of the offence u/s 498A and 307/34 of IPC and accordingly they are acquitted of the charge U/S 235(1) of CrPC.

The accused persons shall stand discharged from their respective bail bonds after expiry of the period of six months in terms of Section 437A CrPC.

The seized articles are directed to be destroyed on expiry of the period of appeal.

Dictated and corrected by me

Addl. District & Sessions Judge,
3rd Court, Berhampore, Murshidabad.

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