

WBMD040060632014



In the Court of Ld. Judicial Magistrate, 1st Court, Berhampore,
Murshidabad.

Present-Najmus Sahar
JO Code-WB01355

Date of Delivery of Judgment:- 06th day of August, 2026

G.R. Case No. 3974/12

T.R. No. 4332/13

C.I.S. No. 10585/14

CNR No. WBMD040060632014

Arising out of Jalangi PS case No. 654/19, dated 04.09.2012 under
section 498A/323/325/34 of the Indian Penal Code, 1860.

<i>Complainant:</i>	State of West Bengal
<i>Represented By:</i>	Shri. Siddhartha Gupta Ld. APP
<i>Accused:</i>	1. Lalchand Mondal 2. Jaharuddin Mondal 3. Orza Bibi 4. Azad Mondal 5. Alom Mondal @ Samsul Alom and 6. Kalachand Mondal
<i>Represented By:</i>	Rafikul Islam, the Ld. Advocate

<i>Date of Offence</i>	Since after marriage
<i>Date of First Information Report</i>	04.09.2012
<i>Date of Charge sheet</i>	31.03.2013
<i>Date of Framing of Charge/Plea</i>	25.11.2014
<i>Date of Commencement of Evidence</i>	06.03.2015
<i>Date on which Judgment is reserved</i>	NA
<i>Date of Judgment</i>	06.08.2026
<i>Date of Sentencing Order, if any,</i>	NA

Form-A
Accused Details:

Rank of Accused	Name of Accused	Date of arrest	Date of release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of
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							Section 428 CrPC
A-1 A-2 A-3 A-4 A-5 A-6	1. Lalchand Mondal 2. Jaharuddin Mondal 3. Orza Bibi 4. Azad Mondal 5. Alom Mondal @ Samsul Alom and 6. Kalachand Mondal	NA	20.11.2012	498A/ 323/325/ 34 of IPC	acquitted	NA	NA

Form-B

List of Prosecution / Defense / Court Witness:

A. Prosecution Witness

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
PW 01	Billal Sarkar	De facto complainant
PW 02	Rangila Bibi	Sister of De facto complainant
PW 03	Sukchand Sarkar	Father of De facto complainant
PW 04	Hasina	Mother of De facto complainant

B. Defense Witness, if any,

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

C. Court Witness, if any,

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

Form-C

List of Prosecution / Defense / Court Exhibits:

A. Prosecution:

Srl. No.	Exhibit Number	Description
1.	Exhibit – P-1/P.W.-1	<i>The signatures of P.W.-1 on the written complaint</i>



B. Defense:

Srl. No.	Exhibit Number	Description
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

C. Court Exhibit:

Srl. No.	Exhibit Number	Description
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

D. Material Objects:

Srl. No.	Exhibit Number	Description
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

J U D G M E N T

Factual Matrix:-

The instant case is under section **498A/323/325/34 of the Indian Penal Code, 1860**. This case was initiated on the basis of FIR lodged by the Officer-in Charge of Jalangi **PS**.

The allegations against the accused person who happens to be the husband and other in-laws, of the de-facto-complainant's sister.

It is stated by the de-facto complainant that since after his sisters marriage she was tortured both physically and mentally by the above named accused persons on demand of more dowry. Lastly, on 04.09.2012 at about 01:00 hours the accused persons assaulted his sister by fist and blows and driven her out from her matrimonial home along on non fulfillment of their demand. On hearing this news when the de-facto complainant and his parents rushed to the spot. The the above named accused persons assaulted him and his parents by fist and blows. Hence this case.

Ultimately, on receipt of the complainant **Jalangi PS case No. 654/12, dated 04.09.2012** was started under section **498A/323/325/34 of the Indian Penal Code, 1860**.



One **Md. Mainuddin, A.S.I.** of Jalangi PS investigated the matter and submitted Charge Sheet being **No. 225/13** dated **31.03.2013** U/S. **498A/323/325/34 of the Indian Penal Code** was submitted against the aforesaid accused persons.

Later on charge was framed by this court under section **498A/323/325/34 of the Indian Penal Code** against the aforesaid accused person and the contents of the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Hence, the trial began as this court exercises the jurisdictional domain of the issue.

-:- Points for Consideration -:-

After exhausting the above procedures the case was posted for hearing of arguments. After considering every possible facet in this case and considering the materials available the points for determination are arrayed as under:

a) Was the de facto complainant subjected to cruelty and tortured both mentally and physically by the accused persons as manifested by the prosecution and whether the prosecution has able to prove their case against the accused persons beyond reasonable doubt?

b) Is the accused persons are guilty of the offence punishable under sections **498A/323/325/34 of the Indian Penal Code**?

Decisions With Reasons

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

From the testimony of P.W.1 being the de facto complainant of this case, it appears that although he has identified the accused persons on dock but categorically stated that there was a matrimonial dispute since the time of his sister's marriage with the accused persons so out of anger and misunderstanding he had filed the instant case against them. As of now, he is not willing to continue with this case as the matter has already been amicably settled between them out of the Court and he has no allegation against the accused persons and also stated that now his sister and the accused are residing together and not willing to continue with this case as the matter has already been amicably settled between them out of the Court and also admitted that the accused persons are her relatives having a cordial



relation with each other. PW-2 to PW-4 have corroborated the same version as PW-1.

In this case the complainant to some extent has supported the case of prosecution but the criminal case raised on the principal that the guilt of the accused has to be proved beyond reasonable doubt.

In the case of Girdhar Shankar Tawade Vs State of Maharashtra (2002) the Supreme Court held that the section 498A makes it clear that there must be a series of events or acts in order to be harassment under the section. Moreover, there must be cogent evidence to bring home the charges under the section. In the instant case there is no direct evidence of cruelty which has the most value is not available in the case. There is no eye witness to support the case of the prosecution.

In cases where the basic ingredients are not established, courts have acquitted the accused, highlighting the necessity for concrete evidence [Girendra Kumar Singh VS State Of Jharkhand - Jharkhand Dhani Gope S/o Sitaram Gope VS State of Jharkhand.](#)

In fact, the prosecution has failed to bring home any iota of evidence that after the marriage, the accused persons tortured the complainant, whereby the prosecution fails to constitute the offences including the ingredients of such offences as demanded by Indian Penal Code.

All the points are thus answered in the negative.

In the result prosecution case fails and the accused persons merit acquittal.

Hence, it is

O R D E R E D

That the accused persons namely, **1. Lalchand Mondal 2. Jaharuddin Mondal 3. Orza Bibi 4. Azad Mondal 5. Alom Mondal @ Samsul Alom and 6. Kalachand Mondal** are found not guilty of committing the offences punishable under section **498A/323/325/34 of the Indian Penal Code** and they are hereby acquitted under section 248(1) of Cr.P.C.

The accused persons are present. They are discharged forthwith from their bail bonds and be set at liberty subject to the provision of section 437A of Cr.P.C from their respective bail bonds.

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Seized alat, if any, be disposed of in accordance with law.

Note in the relevant register.

Update in CIS accordingly.

The case record be consigned to the DRR following the modalities of law.

The copy of order be sent to office of District Magistrate for his information and necessary action with regard to the right of appeal of de-facto complainant/victim through DLSA, Murshidabad.

Typed and corrected by me;

Sd/-

(Najmus Sahar)

Judicial Magistrate 1st Court

Berhampore, Murshidabad

Sd/-

(Najmus Sahar)

Judicial Magistrate 1st Court

Berhampore, Murshidabad