

FORM A

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, MURSHIDABAD

Present: SYED DILWAR HOSSAIN, WBJS
(WB00834)
Chief Judicial Magistrate, Murshidabad
At Berhampore.

G.R. No. 3694/2022
T.R. 397/2023

(CNR No. WBMD04-007183-2022)

Judgment Date : 13th day of May, 2026

(Berhampore P.S. Case no. 1121/22 dt. 28.08.2022 u/s 420/448/323/506/34 of I.P.C.)

Complainant	State
Represented By	Ld. A.P.P. Sri Biswapati Sarkar
Accused	1. Saheb Ghosh @ Riju Ghosh, 2. Shrikanta Halder, 3. Ashish Sarkar and 4. Surojit Saha
Representated By	Ld. Advocate Priyabrata Mondal

FORM B

Date of Offence	25.08.2022 and 27.08.2022
Date of F.I.R.	28.08.2022
Date of Charge Sheet	26.01.2023
Date of Framing of Charges	18.05.2023
Date of commencement of Evidence	23.12.2025
Date on which Judgement is reserved	-
Date of Judgement	13.05.2026
Date of Sentencing Order, if any	-

Accused details:

Rank of the accused	Name of Accused	Date of Arrest/ Surrender	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.
1	Saheb Ghosh @ Riju Ghosh	28.08.2022	31.08.2022	448/323/506/34 of IPC	Acquitted	-	-
2	Shrikanta Halder	28.03.2023	28.03.2023	420/448/323/506/34 of IPC	Acquitted	-	-
3	Ashish Sarkar	28.03.2023	28.03.2023	448/323/506/34 of IPC	Acquitted	-	-
4	Surojit Saha	28.03.2023	28.03.2023	448/323/506/34 of IPC	Acquitted	-	-

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Toton Ghosh	Defacto complainant

B. Defence Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit 1	Written complaint

B. Defence:

Sr. No.	Exhibit Number	Description
-	-	-

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
-	-	-

D. Material Objects:

Sr. No.	Exhibit Number	Description
-	-	-

1. The Brief Facts of the case:

- a) This is a case u/s 420/448/323/506/34 of Indian Penal Code against the above named accused persons.
- b) The prosecution case in short is that, the defacto complainant of this case, namely, Toton Ghosh lodged a written complaint to the effect that on 27.08.2022 at about 22:30 hrs. one Shrikanta Halder, S/o – Hiru Halder of Maharaja Nanda Kumar Road, P.S. - Berhampore, Dist. - Murshidabad and three (03) others entered into the house of defacto complainant and assaulted him by kick, fist and blows and also suffocated with a view to kill him and threatened him due to money matter as the complainant gave cash of Rs.4,20,000/- to alleged accused person for business purpose. Now, the alleged accused is denying repayment of money and as such, complainant was cheated by the accused person. Thereafter, on the basis of written complaint lodged by the defacto complainant, Berhampore P.S. Case no. 1121/22 dt. 28.08.2022 u/Ss. 420/448/325/506/34 of I.P.C. was started and after completion of investigation the charge sheet has been submitted against the above named two accused persons u/Ss. 420/448/323/506/34 of IPC.
- c) The charge has been framed u/S. 420 of I.P.C. against accused person, namely, Shrikanta Halder and also under Sections 448/323/506/34 of the IPC against rest accused persons, namely, Saheb Ghosh @ Riju Ghosh, Ashish Sarkar and Surojit Saha and charge was read over and explained to all of them, who pleaded not guilty to the charge and claimed to be tried.
- d) Prosecution availed of the opportunity to adduce evidence and one (01) witness has been examined in this case by the prosecution.
- e) No defence evidence has been adduced in this case. Defence plea as it reveals from the materials on record is the total denial of the prosecution case.

2. Points for consideration:

- a) Whether the prosecution has been able to prove the charges against the accused persons ?
- b) Whether the accused persons are liable to be punished u/ss. 420/448/323/506/34 of IPC ?

3. Decision thereon:

a) The charges against the accused persons are not proved for reasons recorded herein below:

4. Decision with reasons:

a) For the sake of convenience both the points are taken up together for discussions.

b) In the present case the prosecution has examined only one witness, namely, Toton Ghosh (P.W. 1) i.e. the de -facto complainant of this case.

c) P.W. 1/ Toton Ghosh, in her evidence, has stated that he lodged this case against Shrikanta Halder, Saheb Ghosh, Ashish Sarkar and Surojit Saha. He lodged this case due to dispute regarding money. He got the money back. Subsequently, an amicable settlement has been done with accused persons. At present he has no allegation against accused persons. At his instance, the written complaint has been marked as Exhibit 1. In cross-examination, P.W. 1 stated that he does not want to proceed with the instant case further and he has no objection if the accused persons are acquitted as per his evidence. He will not go before any higher forum against the verdict of this Court.

d) No other witness has been examined on behalf of the prosecution.

e) After the closure of the evidence, accused persons has been examined under Section 313 Cr.P.C. They have denied their liability in the incident but they have not chosen to cite any evidence.

f) Now from the evidence on record, it appears that the matter has been amicably settled between the accused persons and the defacto complainant. Defacto complainant has no allegation against the accused persons at present. Nothing has been come out against the accused persons from the evidence of the defacto complainant. No other witness has been examined in this case.

g) Therefore, it can be said that the prosecution side has failed to substantiate their contention by way of producing cogent evidence. The prosecution has failed to prove the guilt of the accused persons and thus the accused persons are entitled to get acquitted from the case.

h) Hence, it is

ORDERED

that the G.R. Case No. 3694 of 2022 (Trial Regd. No. 397 of 2023) be and the same results in acquittal of the accused persons, namely, Saheb Ghosh @ Riju Ghosh, Shrikanta Halder, Ashish Sarkar and Surojit Saha as per provision under Section 248(1) of the Code of Criminal Procedure, 1973 as held not guilty for committing offence under Section 420/448/323/506/34 of the Indian Penal Code, 1860. They stand released from their respective bail bond.

The seized Alamat, if any, be destroyed after expiry of the period of appeal arising out of this order.

Let a copy of this judgment be sent to the District Magistrate, Murshidabad and Secretary, District Legal Service Authority, Murshidabad for due intimation to the victim as defined under Section 2 (wa) of CrPC.

Make note in Trial Register & CIS.

Dictated & corrected by me.

Sd/-

Syed Dilwar Hossain, WBJS
C.J.M, Murshidabad
J.O Code No. WB00834

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