

FORM A

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, MURSHIDABAD	
Present: SYED DILWAR HOSSAIN , WBJs (WB00834) Chief Judicial Magistrate, Murshidabad At Rejinagar	
<u>G.R No. 2782 of 2023</u> <u>T.R. No. 249 of 2024</u>	
<u>(CNR No. WBMD04-007192-2023)</u>	
Judgment Date : 23rd day of June, 2026.	
(Rejinagar P.S. Case no. 158/23 dt. 24.06.2023 u/s 498A/323/34 I.P.C)	
Complainant	STATE
REPRESENTED BY	Ld. APP. - Biswapati Sarkar
ACCUSED	1. Ersanul Sk @ Hanpa, 2. Khabiraddin Sk and 3. Rehena Bibi @ Rehena Sultana
REPRESENTED BY	Ld Adv. - Masirul Alam

FORM B

Date of Offence	Since after marriage and on 23.06.2023
Date of FIR	24.06.2023
Date of Charge sheet/ PR	31.07.2023
Date of Framing of Charges	18.06.2026
Date of commencement of Evidence	18.06.2026
Date on which Judgment is reserved	NIL
Date of Judgment	23.06.2026
Date of the Sentencing Order, if any	-

Accused Details:

Rank of the 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 purpose of Section 428 Cr.P.C.
1	Ersanul Sk @ Hanpa	09.09.2023	21.09.2023	498A/323/34 IPC	Acquitted	-	-
2	Khabiraddin Sk	28.06.2023	28.06.2023	498A/323/34 IPC	Acquitted	-	-
3	Rehena Bibi @ Rehena Sultana	28.06.2023	28.06.2023	498A/323/34 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)
PW1	Rakiya Khatun	Defacto complainant
PW2	Asiya Bibi	Mother of defacto complainant

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYEWITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYEWITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

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

B. Defence:

Sr. No.	Exhibit Number	Description
1.	Nil	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	Nil

D. Material Objects:

Sr. No.	Material Object Number	Description
1	Nil	Nil

1. The Brief facts of the case: -

1. a. This is a case u/Ss. 498A/323/34 of Indian Penal Code against the above named accused persons.

1. b. The prosecution case, in short, is that the defacto complainant Rakiya Khatun lodged a written complaint against accused persons to the effect that she got married with accused Ersanul Sk @ Hanpa as per Muslim custom. After her marriage, she was subjected to torture by her husband and other in-laws both physically and mentally at her matrimonial home. Lastly, on 23.06.2023 at about 20:00 hrs. her husband and other in-laws assaulted her with a view to kill her by strangulation. As a result, she received injury and she was driven out from her matrimonial home. On the basis of written complaint lodged by the defacto complainant, Rejinagar P.S. Case No. 158/23 dt. 24.06.2023 u/s 498A/323/307/34 I.P.C. was started and after completion of investigation charge sheet has been submitted u/Ss. 498A/323/307/34 of Indian Penal Code against all the three (03) accused persons, namely, Ersanul Sk @ Hanpa, Khabiraddin Sk and Rehena Bibi @ Rehena Sultana.

1. c. The instant case was committed to the Court of Ld. Sessions Judge, Murshidabad as charge sheet submitted in this case under Sessions triable Sections. and Ld. Sessions Judge, Murshidabad was pleased to transfer the instant case being S. Sl. No. 973/2025 to the Court of Ld. Additional Sessions Judge, 3rd Court, Berhampore, Murshidabad for trial. Thereafter, Ld. Additional Sessions Judge, 3rd Court, Berhampore, Murshidabad has been pleased to observe vide Order no. 06 dated 03.06.2026 that the accused persons committed offence under Section 498A and 323/34 of I.P.C. and, accordingly, he has been pleased to transfer the case to this Court for trial.

1. d. Thereafter, charge has been framed u/s 498A and 323/34 of Indian Penal Code against all the three (03) accused persons and charge was read over and

explained to them, who pleaded not guilty to the charge and claimed to be tried.

1. e. Prosecution availed of the opportunity to adduce evidence and two witnesses have been examined in this case by the prosecution.

1. f. 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:

2. a. Whether the prosecution has been able to prove the charge u/S. 498A/323/34 of IPC against the accused persons?

2. b. Whether the accused persons are liable to be punished u/S. 498A/323/34 of IPC?

3. Decision thereon:

3.a. The charge against the accused persons is not proved for reasons recorded herein below.

4. Decision with reasons:

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

4.b. In this case, the prosecution has examined two (02) witnesses, namely, Rakiya Khatun (P.W. 1) i.e. the defacto complainant of this case and Asiya Bibi (P.W. 2) i.e. mother of the defacto complainant.

4.c. P.W. 1/Rakiya Khatun, in her evidence, has stated that she lodged complaint against her husband and other inmates of her husband's house. She does not remember the incident properly. Subsequently, the dispute has been settled amicably with the accused persons. At present, she has no allegation against the accused persons. The complaint has been written as per her instruction and the same bears her signature. At her instance, written complaint has been marked as Exbt. 1. Her mother has come to Court with her. In cross-examination, P.W. 1 has stated that she does not want to proceed with the instant case further and she has no objection if the accused persons are acquitted as per her evidence.

She will not go before the higher forum against the verdict of this Court.

4.d. P.W. 2/ Asiya Bibi, in her deposition, has stated that her daughter lodged this case against her husband and other in-laws. At present, she does not remember the incident. Subsequently, the matter has been settled with the accused persons amicably. At present, she has no grievance against the accused persons. In cross-examination, P.W. 2 has stated that she has no objection if the accused persons are acquitted.

4.e. No more witness has been examined on behalf of the prosecution.

4.f. After closure of the evidence, accused persons have been examined under Section 313 Cr.P.C. They denied their liability in the incident but they did not choose to cite any evidence.

4. g. The essential ingredients of the offence u/S. 498A of IPC are as follows:

(1) A woman was married;

(2) She was subjected to cruelty;

(3) Such cruelty consisted in -

(i) any lawful conduct as was likely to drive such woman to commit suicide or to cause grave injury or danger to her life, limb or health whether mental or physical;

(ii) harm to such woman with a view to coercing her to meet unlawful demand for property or valuable security or on account of failure of such woman or any of her relations to meet the lawful demand;

(iii) the woman was subjected to such cruelty by her husband or any relations of her husband.

4. h. Now from the evidence on record, it appears that the 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 accordingly, the accused persons are entitled to get an order of acquittal.

4. i. Hence, it is

ORDERED

that the **G.R. Case No. 2782 of 2023 (T.R. No. 249 of 2024)** be and the same results in acquittal of the accused persons, namely, Ersanul Sk @ Hanpa, Khabiraddin Sk and Rehena Bibi @ Rehena Sultana as per provision under Section 248 (1) of the Code of Criminal Procedure, 1973 as held not guilty for committing offence punishable under Section 498A/323/34 IPC of the Indian Penal Code, 1860 and they are set at liberty at once.

Bail bonds already furnished by the accused persons and on record be treated as Bail Bonds u/s 437A of Cr.P.C. and to remain in force for a period of 06 months from date, in accordance with Law. Prosecution / Victim will be at liberty to prefer appeal against this judgment in terms of the provisions of Section 372 of Cr.P.C. Note in concerned register.

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 Cr.P.C.

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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