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In the Court of The Judicial Magistrate, 1st Class, 2nd Court, Berhampore, Murshidabad. Present : Smt. Sananda Hajra Judicial Magistrate, 2nd Court, Berhampore, Murshidabad. JO Code: WB1386/WB01386 Date of Judgment : 16.06.2026. Ref: <u>GR 5684/2022.</u> TR : 786/23. Filing No. 5684/22. Reg No. 5684/22. CNR no. WBEM04-007331-2022.	
Prosecution	State of West Bengal (De facto complainant : Khadija Khatun.
Represented by	Shri Utpal Roy
Accused	1) Faruk Sk 2) Maneja Bibi 3) Saruf @ Saharup @ Saruk Sk 4) Rupchand Sk @ Sekh 5) Barkat Sk @ Mainuddin Sk
Represented by	Shri Md. Aziz.

Date of Offence	10.12.2022 and on several dates
Date of FIR	26.12.2022
Date of Charge sheet	03.01.2023
Date of Framing of Charges	21.05.2026
Date of commencement of Evidence	16.06.2026
Date on which Judgment is reserved	N.A.
Date of Judgment	16.06.2026.
Date of Sentencing Order, if any	N.A.

Accused details:

Rank of the 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.
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1	Faruk Sk	02.01.2023	04.01.23	Sections 498A/323/34 of IPC & Section 3/ 4 of D.P Act	Acquitted	N.A.	N.A.
2	Maneja Bibi	Not arrested but surrendered voluntarily	28.12.22	Sections 498A/323/34 of IPC & Section 3/ 4 of D.P Act	Acquitted	N.A.	N.A.
3	Saruf @ Saharup @ Saruk Sk	Not arrested but surrendered voluntarily	28.12.22	Sections 498A/323/34 of IPC & Section 3/ 4 of D.P Act	Acquitted	N.A.	N.A.
4.	Rupchand Sk @ Sekh	Not arrested but surrendered voluntarily	28.12.22	Sections 498A/323/34 of IPC & Section 3/ 4 of D.P Act	Acquitted	N.A.	N.A.
5.	Barkat Sk @ Mainuddin Sk	Not arrested but surrendered voluntarily	28.12.22	Sections 498A/323/34 of IPC & Section 3/ 4 of D.P Act	Acquitted	N.A.	N.A.

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)
PW 1	Khadija Khatun	The de facto complainant

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	N.A.

C. Court witness, if any : None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit 1	Signature of PW1 on the complaint

B. Defence:

Sr. No.	Exhibit Number	Description
Nil	Nil	N.A.

C. Court Exhibit: None

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This is a case under sections 498A/323/34 of IPC & Section 3/ 4 DP Act.

Subject Matter In Brief :

1) The accused persons of this case namely **1) Faruk Sk 2) Maneja Bibi 3) Saruf @ Saharup @ Saruk Sk 4) Rupchand Sk @ Sekh 5) Barkat Sk @ Mainuddin Sk** faced trial under the charges of committing offences punishable under sections **498A/323/34 of the IPC & Section 3/ 4 of D.P Act.**

2) The prosecution case, in brief is that the marriage between the de facto complainant and the accused No. 1 was solemnised on 6 years ago as per Muslim rites and customs. In her marriage dowry articles were given to the accused persons as per their demand. After marriage she went to her matrimonial home and started her conjugal life. After her marriage, the accused persons started to inflict torture upon the de facto complainant both physically and mentally on demand of more dowry. Lastly, the accused on 10.12.2022, at about 10:30 am, assaulted the complainant with fists and blows and drove her out from her matrimonial house.

3) Over such incident the complainant lodged the written complaint before the PS and the police started Berhampore PS Case No. 1722/22 dt. 26.12.2022 under sections 498A/325/34 of IPC & Section 3/ 4 of DP Act.

4) After investigation the police submitted charge-sheet against accused persons for committing offence punishable u/s 498A/323/34 of IPC & Section 3/ 4 of DP Act. The charge was framed on 21.05.2026 for offence committed u/s 498A/323/34 of IPC & Section 3/ 4 of DP Act. The charge so framed was read over and explained to the accused persons in Bengali to which they pleaded not guilty and claimed to be tried.

Hence, this trial.

Examination u/s 313 Cr.P.C. and Argument

5) The specific defense case as it appears from the trend of cross examination of the prosecution witness and the examination of the accused persons u/s 313 Cr.P.C. is of a mere denial of the alleged

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accusation and of innocence. This court has heard the arguments of both the sides.

POINTS FOR CONSIDERATION

6.a) Has the prosecution succeeded in proving the charge against the accused persons beyond all shadows of reasonable doubts by adducing cogent and trustworthy evidence ?

6.b) Whether the accused persons are guilty of offences committed u/s 498A/323/34 of IPC & Section 3/ 4 of DP Act ?

DECISION WITH REASONS

7) On perusal of the evidence of the record this court is on the verge of inquisition whether or how far the prosecution has been successful to prove the case against the accused persons beyond all shadows of reasonable doubts.

8) **Evidence of PW1** reveals that her marriage was solemnized in the year 2021 with Faruk Sk. She went to her matrimonial home and she was quite well for few days. Her husband along with in laws abused her with filthy languages. In the year 2022, she was driven out from her matrimonial home and went to her paternal house. Police did not interrogate her.

9) During cross examination she could not say the exact contents of her complaint. She stated that she has no objection if the accused get released from the allegations. The dispute has been amicably settled between her and the accused as because they are divorced.

10) In view of the above evidences as adduced by the prosecution witnesses, this court is of view that no piece of corroborative evidence came in this case which can incriminate the accused persons with the accusations with which they were being charged and hence, it can safely be concluded that prosecution has failed to prove its case beyond reasonable doubts and resultantly the prosecution case fails, and

Hence it is,

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ORDERED

- 11) that the accused persons namely **1) Faruk Sk 2) Maneja Bibi 3) Saruf @ Saharup @ Saruk Sk 4) Rupchand Sk @ Sekh 5) Barkat Sk @ Mainuddin Sk** are found not guilty to the charge **u/s 498A/323/34 of IPC & Section 3/ 4 of DP Act**. They are accordingly acquitted u/s **248 (1) Cr.P.C.** They are hereby released from their bail bonds and set at liberty at once.
- 12) Surety/Sureties is/are also discharged from his/their surety ship.
- 13) The defacto complainant is at liberty to prefer appeal u/s 372 Cr.P.C and if necessary he can avail legal assistance through DLSA, Berhampore, Murshidabad.
- 14) Let a copy of this order be sent to the Ld. District Magistrate, Berhampore, Murshidabad and DLSA, Berhampore, Murshidabad for due intimation to the de facto complainant namely **Khadija Khatun**.
- 15) Seized articles, if any, be disposed of after expiry of appeal period.
- 16) Inform CSI at once.

Dictated and corrected by me,

Smt. Sananda Hajra
Judicial Magistrate, 2nd Court,
Berhampore, Murshidabad.
JO Code: WB1386/WB01386

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