

**IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE, LALBAGH,
MURSHIDABAD**

PRESENT: Mr. QAISER ALAM (J.O Code- WB 01272)/ Addl. Chief Judicial
Magistrate, Lalbagh, Murshidabad.

GR 3357/2012

CIS No. 3357/2012

T.R. 424/2013

CNR No. WBMD09-001246-2012

Arising out of: Bhagwangola PS Case No. 429 dated 21.11.2012

JUDGMENT

Prosecution	State of West Bengal
Accused Persons	Aijuddin Sk., Manick Sk., Ruhul Sk. and Surjama Bibi

FORM-B

Date of Offence	07.04.2012
Date of FIR	21.11.2012
Date of Chargesheet	17.12.2012
Date of Framing Charge	09.06.2026
Date of Commencement of Evidence	10.06.2026
Date on which Judgment is reserved	-
Date of Judgment	10.06.2026

FORM-C

LIST OF PROSECUTION / DEFENCE WITNESSES/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT, MEDICAL, PANCH WITNESS, OTHER WITNESS)
PW 1	Rahim Sk.	Defacto complainant
PW 2	Mansura Khatun	Injured/witness

B. Defence Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT, MEDICAL, PANCH WITNESS, OTHER WITNESS)
DW 1	NIL	
DW 2		

C. Court Witness, if any:

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit P1/PW1	LTI

B. Defence:

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

C. Court Exhibits:

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

D. Material Objects:

Sr. No.	Material Object Number	Description
1.	MO 1	NIL

Date of Delivery of Judgment: - The 10th day of June, 2026

J U D G M E N T

Facts of the Case:-

Instant case has its genesis in the complaint lodged by the de-facto complainant **Rahim Sk.** which was treated as complaint and accordingly police started **Bhagwangola PS Case No. 429 dated 21.11.2012** under Sec. **323/354/379/380/451/34** of I.P.C. against accused persons. The investigation was started for the alleged offence against the accused persons. The sum and substance of the allegation is that **on 07.04.2012 at about 10:00 hrs and 09:00 hrs. all the accused persons wrongful restrained to the complainant and assaulted him and his wife with fists and blows.** So the incident was reported to Ld. Court. Thereafter, Bhagwangola P.S. case was started. After receiving the complaint, the then OC endorsed the same to I.O. of this case for investigation.

Investigation commenced and ended with the submission of the Charge-sheet being no. 348 dated 17.12.2012 under sections 341/323/34 of I.P.C. against accused persons. Accordingly the cognizance was taken against them for the aforesaid offence.

During pendency of the case, accused no. 3 namely, Ruhul Sk. has expired. Accordingly, the instant case is filed forever against him.

Thereafter, accused persons were examined for the offence under section 341/323/34 of I.P.C. The substances of accusation was read over and explained to accused persons to which they pleaded not guilty of committing the offence and claimed to be tried.

The trial commences. The prosecution has been able to bring forth only two witnesses i.e. complainant and another witness of this case to prove his case. On the prayer of accused as well as considering the state of record and for speedy disposal of the case, the evidence of prosecution was closed.

P.W.1 is Rahim Sk., De-facto complainant;

P.W.2 is Mansura Khatun, Injured/witness;

The accused persons were examined under section 313 Cr.P.C. where they again claimed themselves as not guilty. No defence witness.

Exhibited document from the side of prosecution:-

Exhibit-P-1/PW1:- NIL.

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 under section 341/323/34 of I.P.C?

Decision with Reasons:-

P.W.1, stated that though he lodged the complaint against accused persons but he failed to recollect the contents of complaint. He also admitted that he does not recollect anything about the incident and he has no allegations against the accused right now.

P.W.2, stated she does not recollect anything about the incident and she has no allegations against the accused right now.

Considering the present scenario of this case, I do not find any corroboration in respect of allegation of the complaint. It is settled principle of law that mere allegation is not enough until and unless supported or corroborated by adducing witnesses or by filing relevant documents and as far as the criminal jurisprudence is concerned, it is the foremost duty and liability of prosecution to prove its case beyond reasonable doubt.

It is the law of the land that the prosecution is duty bound to establish its case beyond all reasonable doubts and the present case is also not an exception to that rule and from the discussions as made in the body of this judgement, it is very clear that the story of the prosecution is full of shades and doubts and not at all clear and the materials indicates that the prosecution have failed to establish its case beyond reasonable doubts and for that reason this court is of the view that the accused facing the trial is entitled to be acquitted from this case.

After scanning the oral testimony of the prosecution witness, I find that the complainant failed to corroborate her allegations stated in the complaint. So, the allegation made by the de-facto complainant against the accused persons fails to be substantiated by cogent evidence. Accordingly, the accused persons are not liable to be punished.

Hence, it is

O R D E R E D

that the accused persons namely **Aijuddin Sk., Manick Sk. and Surjama Bibi** are found not guilty of committing any offence punishable under **section 341/323/34** of I.P.C and the accused persons are acquitted from this case as per provisions of **section 255(1) of criminal procedure code** and the accused persons be released from their bail Bond at once. The surety is also released from his liability.

Dictated and corrected by me

Addl. Chief Judicial Magistrate,
Lalbagh, Murshidabad

(QAISER ALAM)
Addl. Chief Judicial Magistrate,
Lalbagh, Murshidabad