

<b>Form A</b>
<b>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BARRACKPORE</b>
Present : Manika Chatterjee Nee Saha, [JO Code WB 01065] Additional Chief Judicial Magistrate, Barrackpore, 24- Parganas (North).
Date of the Judgment : 30.03.2026
GR Case No.4540 of 2020 T.R. No.547of 2022
CNR No.WBNP150021222020
C.I.S No.4540 of 2020

(Details of FIR/Crime and Police Station) Titagarh P.S. Case No.422 of 2020 dated 11.08.2020	
Complainant	State of West Bengal
REPRESENTED BY	Sri Jadhunath Ghosh
ACCUSED	Jahangir Hossain
REPRESENTED BY	

<b>Form B</b>		
Date of Offence	:	Continuing offence on and from the date of marriage between the complainant and the accused, Sri Jahangir Hossain
Date of FIR	:	11.08.2020
Date of Charge Sheet	:	30.09.2020
Date of Framing of charge	:	16.01.2023
Date of commencement of Evidence	:	31.01.2023
The date on which judgment is reserved	:	30.03.2026
Date of Judgment	:	30.03.2026
Date of sentencing order, if any	:	Acquitted

**Accused Details:**

The 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.
A1	Jahangir Hossain	N.A.	Obtained bail on 10.09.2020 (By surrender)	U/s. 498A/384/323/426/506 IPC	Acquitted	N.A	N.A

**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	Safiya Bibi	Defacto Complainant

**B. Defence Witness, if any :**

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW	NIL	

**C. Court Witness, if any :**

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)

<b>CW</b>	<b>NIL</b>	
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**List of Prosecution/Defence/Court Exhibits****A. Prosecution :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	P1/PW1 (Series)	Signature on the Court complaint of the complainant

**B. Defence :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibit :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

JUDGMENT

**Prosecution case:**

1. The instant case was filed under sections 498A/384/323/406/506 of the Indian Penal Code. This case was initiated based on the written complaint lodged by the complainant, Safiya Bibi, wife of Jahangir Hossain.

2. The brief fact of the case as alleged by the complainant in her written complaint is that complainant was married to the accused on 24.01.2016 as per Muslim rites and rituals. At the time of marriage the parents of the complainant gave valuable bridal gifts towards the accused as per his demand. The accused persons tortured the complainant regularly and after born a female child the accused person became more furious over the issue of born of female child and always tortured and assaulted the complainant mercilessly. Finally on 14.06.2020 the accused person forcibly took the complainant in front of Kaji and forcibly obtained the signature of the complainant into some papers and driven the complainant out from her matrimonial home without her belongings. The complainant several times went to her matrimonial home but the accused person always driven the complainant out from there finally the complainant informed the matter before Titagarh P.S.

3. The police after investigation filed charge sheet against the accused namely, Jahangir Hossain u/s. 498A/384/323/406/506 Indian Penal Code.

4. Thereafter, on perusal of the entire materials, the substance of the accusation was read over and explained to the accused person namely, Jahangir Hossain to which he pleaded 'Not Guilty' and claimed to be tried. Hence this trial.

5. The trial was held, and the witnesses were examined by the prosecution in support of its case. Thereafter, the examination of accused person u/s. 313 Code of Criminal Procedure is dispensed with as there was no incriminating evidence present in record against accused and the record is taken up for argument and judgment.

**Points for Consideration:**

6. Is the accused person guilty of the offence punishable under Sections 498A/384/323/406/506 of the Indian Penal Code?

**Decision With Reasons:**

7. Now, I have to analyze, assess and take into account the total evidence and materials on record to decide the case properly.

8. Ld. A.P.P during the argument submitted that the case of the prosecution has not been proved. Ld. APP fairly submits that the guilt of the accused has not been proved at all and it is clear from the evidence of witnesses that due to misconception the case was filed.

9. Ld. Counsel appearing for the accused person had an advanced argument in support of the acquittal of the accused person from the alleged charge. It is submitted that the case against the accused person is false and fabricated and the accused person has been implicated falsely. According to the Learned Counsel, the accused person is entitled to be acquitted of the alleged pleas.

10. On perusal of the evidence on record, I find that the defacto complainant has been examined in this case.

11. PW-1, Safiya Bibi that is the defacto complainant stated during her examination-in-Chief that "I filed this case against my husband. He is not present today. If he was present, I could have identified him. I have no allegation against the accused. The dispute has been settled between us. I am deposing voluntarily, The signatures in the FIR, be marked as P-1/PW1 (Series).

12. So from the examination of PW1 it will appear that she lodged this case against her husband and she has no allegation against the accused. She admitted that the dispute has been settled between them and she deposed voluntarily.

13. No other witnesses has been examined from the side of the prosecution. On minute comparison between the evidence on record and the written complaint, it would transpire that there is vast dissimilitude between the initial version of the prosecution made in the written complaint and the evidence given during the trial.

14. From the evidence of the witness, nothing has transpired which can prove the prosecution case. The evidence of the prosecution was closed on the prayer of the Learned Asst. Public Prosecutor and as such it can well be construed and said that despite being given the opportunity and scope to prove its case the prosecution has failed to bring home the plea against the accused person. I find no incriminating materials against the accused person for which the accused person can be convicted under sections 498A/384/323/406/506 of Indian Penal Code. I, therefore, hold that the essential ingredients to convict the accused persons with the offence are punishable under sections 498A/384/323/406/506 of Indian Penal Code are very much absent in the present case. Resultantly the

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accused person is entitled to be acquitted of the pleas so framed against them under sections 498A/384/323/406/506 of Indian Penal Code.

15. All the points are thus answered in the negative.
16. As a result prosecution case fails and the accused persons merit acquittal.

Hence,

**ORDERED**

The accused person namely, Jahangir Hossain is found not guilty of the charge so framed against him under sections 498A/384/323/406/506 of Indian Penal Code and he is acquitted under section 248(1) of the Cr. P.C.

The judgment is delivered in open Court. Let necessary noting be made in the register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of the Cr. R.O of the Honourable High Court, Calcutta.

Let a copy of this judgment be forwarded to the District Magistrate, North 24 Parganas, DLSA, North 24 Parganas for due intimation to the victim as defined under section 2(a) of the Code of Criminal Procedure.

Manika Chatterjee Nee Saha,  
Additional Chief Judicial Magistrate,  
Barrackpore, North 24 Parganas

GR No.4540 of 2020

Order dated : 30.03.2026

Today is fixed for judgment.

The accused person is on bail and absent by petition.

Learned Advocate on behalf of the accused is present before this Court and filed a petition under Section 317 of Cr.P.C.

Ld. APP is present.

The record is taken up for judgment.

Hence,

**ORDERED**

The accused person namely, Jahangir Hossain is found not guilty of the charge so framed against him under sections 498A/384/323/406/506 of Indian Penal Code and he is acquitted under section 248(1) of the Cr. P.C.

The judgment is delivered in open Court. Let necessary noting be made in the register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of the Cr. R.O of the Honourable High Court, Calcutta.

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Manika Chatterjee Nee Saha,  
Additional Chief Judicial Magistrate,  
Barrackpore, North 24 Parganas