

Form No. (M)34

FORM A

DISTRICT: NORTH 24 PARGANAS

IN THE FIRST COURT OF THE JUDICIAL MAGISTRATE AT BARRACKPORE



Present: Sri Rahul Bhattacharjee
Judicial Magistrate 1st Court
Barrackpore, North 24 Pgs.
JO Code: WB01436

GR CASE NO. – 1280/2012
CNR NO. – WBNP150035492012

DETAILS OF OFFENCE / CRIME & PS

Arising out of Khardaha PS case no. 188/2012
dated 19.03.2012 u/s 148/448/323/354/506/504/34 IPC

DATE OF JUDGMENT

Wednesday, June 24, 2026

NAME(S) OF

COMPLAINANT State of West Bengal
REPRESENTED BY Reshmi Aich , Ld. Asst. Public Prosecutor
ACCUSED Sk. Saikat Ali & 4 Ors.
REPRESENTED BY Debasish Sinha , Ld. Advocate

Form No. (M)35

FORM B

CASE HISTORY

Date of OFFENCE/ CRIME 02.03.2012
Date of filing FIR 19.03.2012
Date of filing CHARGESHEET 21.07.2012
Date of FRAMING CHARGE 06.01.2015
Date of commencement of EVIDENCE 29.09.2015
Date on which Judgment is RESERVED -
Date of JUDGMENT 24.06.2026
Date of SENTENCE -

DETAILS OF ACCUSED

Rank of Accused	Name of Accused	Date of Arrest /Surrender	Date of Release on Bail	Offences Charged With	Whether Convicted or Acquitted	Sentence Imposed	Period of Detention Undergone During Trial (For The Purpose Of S. 428 Crpc)
1	Sk. Saikat Ali	22.04.2012	22.04.2012	148/448/323/354/506/504/34 IPC	Acquitted	-	X
2	Md. Ezaz	23.04.2012	23.04.2012		Acquitted	-	X
3	Sahajadi Begum	23.04.2012	23.04.2012		Acquitted	-	X
4	Mohammad Siddiquie	23.04.2012	23.04.2012		Acquitted	-	X
5	Abdul Latif	23.04.2012	23.04.2012		Acquitted	-	X

Form No. (M)36

FORM C

LIST OF PROSECUTION / DEFENSE / COURT WITNESSES

A. PROSECUTION WITNESSES

Rank of witness	Name of the witness	Nature of evidence (eye witness / police / expert / medical / panch witness / other)
1	Riyaz Mohammad	CSW1 / defacto complainant / purported victim
2	Mustari @ Afshana Parveen	CSW2 / related witness

B. DEFENSE WITNESSES

Rank of witness	Name of the witness	Nature of evidence (eye witness / police / expert / medical / panch witness / other)
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X

C. COURT WITNESSES

Rank of witness	Name of the witness	Nature of evidence (eye witness / police / expert / medical / panch witness / other)
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X

LIST OF PROSECUTION / DEFENSE / COURT EXHIBITS / MATERIAL OBJECTS

A. PROSECUTION EXHIBITS

Serial no.	Exhibit number	Description
1	P1/PW1	Signature with Written Complaint
2	P2/PW1	Medical Prescription of Dr. P. K. Panda dated 02.03.2012

B. DEFENSE EXHIBITS

Serial no.	Exhibit number	Description
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X

C. COURT EXHIBITS

Serial no.	Exhibit number	Description
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X

D. MATERIAL OBJECTS

Serial no.	Material object number	Description
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X

1. FACTS OF THE CASE IN BRIEF:

1.1 This is a case under section 148/448/323/354/506/504/34 of Indian Penal Code, 1860.

1.2 The fact of the prosecution case is that the de-facto complainant namely Riyaz Mohammed filed a written complaint before the Khardaha Police Station alleging inter-alia that on 02.03.2012 at about 19:00 hrs. the five accused namely Sk. Saikat Ali, Md. Ezaz, Sahajadi Begum, Mohammad Siddiquie and Abdul Latif ran riot armed with deadly weapon, entered upon the dwelling house of the defacto complainant and assaulted him and his family members and engaged in acts outraging modesty of the female members of his house, abused them with intent to cause breach of peace and threatened them with dire consequences in furtherance of common intention. Based on the aforesaid complaint, police started Case No. 188/2012 dated 19.03.2012.

1.3 After investigation police submitted charge sheet under section 147/148/448/323/354/504/506/34 of Indian Penal Code, 1860 and accordingly cognizance was taken against the five accused namely Sk. Saikat Ali, Md. Ezaz, Sahajadi Begum, Mohammad Siddiquie and Abdul Latif. Thereafter, the case was transferred to this Court for disposal.

1.4 Charge was drawn up on 06.01.2015 under section 148/448/323/354/506/504/34 of the Indian Penal Code, 1860 against the five accused namely Sk. Saikat Ali, Md. Ezaz, Sahajadi Begum, Mohammad Siddiquie and Abdul Latif and was read over and explained to the accused and when asked as to whether or not guilty, the accused pleaded not guilty by saying '*ami nirdosh*' in bangla.

1.5 Accordingly, the trial commenced.

2. EVIDENCE:

2.1 The purported victim CSW1, took the dock as PW1. In his evidence, witness stated that on 02.03.2012 at about 19:00 hrs. the accused entered his house armed with danda, knife, etc... while he, his wife and child were present. The accused bullied his parents Firoja Banu and Gulam Mohammed and started assaulting them. When he resisted, accused assaulted him too. When his wife came to his rescue, the accused snatched a gold chain from her and tried to outrage her modesty by pushing her onto a bed. He took his father to a doctor and got themselves treated. Then this complaint was filed. He filed a medical document.

2.2 In his cross examination, he admitted that Shahjadi Begum is his brother's wife. He mentioned that at the time of incident 5-6 persons had gathered but he could not name them. Then he stated that he did not

know the contents of his complaint. He admitted that all the chargesheet witnesses are related to him.

2.3 The next to depose was Mustari Begam @ Afshana Parveen. She also mentioned the date of incident correctly. She was newly married at the time of incident and did not know all the accused by their names. She stated that the accused are related to them through Taj Mohammed who is the brother of her husband and Shahzadi is his wife. On the date of incident, the accused entered their house looking for Taj Mohammed but were informed by her in-laws that he is not at home. This led to a physical altercation between them. When her husband went to their rescue, he was assaulted. When she went to save her husband, the accused pushed her on to a bed and frightened her by showing her a stick and a knife. She also lost a gold chain that she was wearing in the ensuing altercation. She informed the entire course of events to the Police Station.

2.4 In her cross examination, she stated that she had come to Court with her husband, with whom she had conversed about what he had deposed. The locality where she lives is fairly populated and about 10 persons had gathered around at the time of incident but she could not recollect their names. After the date of incident, police did not come to meet her. She was not conversant with English language. She did not know the address of Titagarh Police Station. She was aware of other pending litigations revolving around the matrimonial dispute between her brother-in-law and his wife. No other witnesses turned up to depose in this case. Considering the above evidence, the prosecution prayed for closure of evidence.

2.5 The Court was pleased to close the prosecution evidence on the prayer of the Ld. Asst. Public Prosecutor appearing for the State of West Bengal. Accordingly, the record was taken up for examination of the accused under section 313 of the Code of Criminal Procedure, 1973.

2.6 The five accused namely Sk. Saikat Ali, Md. Ezaz, Sahajadi Begum, Mohammad Siddiquie and Abdul Latif were examined under section 313 of the Code of Criminal Procedure, 1973. The accused claimed the prosecution case as false and fabricated and declined to provide any evidence on the part of the defense and accordingly, the argument was heard for both sides.

2.7 Thereafter, the case was taken up for passing judgment.

3. POINTS FOR CONSIDERATION:

3.1. Whether accused has/ve committed any offence u/s 148/448/323/354/504/506/34 IPC?

3.2. Whether the accused is/are liable to be convicted or acquitted?

4. DECISION WITH REASONS:

- 4.1. On cursory perusal of the relevant materials on record, it is seen that this case proceeds against the five accused namely Sk. Saikat Ali, Md. Ezaz, Sahajadi Begum, Mohammad Siddiquie and Abdul Latif on the accusation of having committed offences punishable under section 148/448/323/354/506/504/34 of the Indian Penal Code, 1860.
- 4.2. There are allegations of accused running riot armed with deadly weapons, entering into the dwelling house of the defacto complainant, assaulting him and his family members, engaging in acts outraging the modesty of his wife, abusing with the intent to cause breach of peace and threatening the defacto complainant and his family with dire consequences in furtherance of common intention. However, the evidence as it transpired is drastically different. Two purported victims of the aforesaid incident did not depose in this case, who were prime witnesses – the mother and father of the defacto complainant – as per evidence, both of them had expired. Taj Mohammed who is a cited witness in this case was admittedly not present in the house. The statements of both the witnesses who deposed also did not mention the presence of any Sogra Bibi. Accordingly, their evidence would not have added any value to the case either.
- 4.3. Coming to the evidence, other than the ocular testimony of PW1 and PW2, husband and wife, admittedly conversed with one another before deposing in this case, there is nothing corroborating the prosecution story. The medical document adduced in evidence does mention pain but despite having been drawn up in the immediate aftermath of the incident, does not attribute a cause to it. Next, both the witnesses mention that there were several witnesses of the incident but coincidentally failed to name any such persons.
- 4.4. In view of the above evidence, the prosecution story of the entry of the accused into their house, assaulting them, trying to outrage her modesty sees no effective or credible corroboration. There is nothing in the evidence of PW1 or PW2 regarding any of the other allegations of offences punishable u/s 504 or 506 of the Indian Penal Code, 1860.
- 4.5. In the considered opinion of the Court, the evidence as aforesaid leave substantial doubt in the mind of the Court as to whether the alleged incidents took place in the manner alleged or not, and thus grossly lacks the credibility to secure a conviction as nothing in it credibly connects the accused to the offence alleged or the date or time of the alleged

incident beyond reasonable doubt. Considering the quality of evidence on record, the prosecution had prayed for closure of evidence.

4.6. Thus, despite opportunity provided, the prosecution with all its might has not been able to bring before the Court any actionable evidence of the alleged wrongdoing by the accused. The above evidence not only downplays the allegations in the FIR but goes on to demolish the prosecution story. The FIR accordingly has been reduced to a mere paper containing unfounded and unsubstantiated allegations.

4.7. In a criminal trial, the commission of offence by the accused must be proved by the prosecution beyond reasonable doubt. The burden of proving the guilt of the accused lies exclusively on the shoulders of the prosecution. The said burden has not been discharged. Mere allegations howsoever serious in nature would not be sufficient to hold strong in face of the constitutional right of the accused to be presumed innocent until proven guilty. Here, statements made by the witnesses proved grossly insufficient to prove the prosecution case. Accordingly, the only logical conclusion that can be arrived at is that the prosecution story bites the dust.

4.8. Further, it merits mention that justice is not sought by the purported victim alone; prolonged incarceration on unfounded and unsubstantiated allegations often leaves the accused as a victim of the system of dispensation of justice. Accordingly, if the allegation of commission of offence(s) is not proved despite sufficient opportunity, the cause of justice would cry and require the accused to be set free.

4.9. In view of the above discussion, the prosecution having miserably failed to prove the commission of the alleged offence by the accused, this Court holds the accused “NOT GUILTY” of the above offence(s) which paves the path for acquittal of the accused.

Hence, it is

ORDERED

that, the five accused namely Sk. Saikat Ali, Md. Ezaz, Sahajadi Begum, Mohammad Siddiquie and Abdul Latif is/are **acquitted** from all offences in GR Case being no. 1280/2012 under Section 248(1) of the Code of Criminal Procedure, 1973 this day.

The victim/complainant be educated of the right to prefer an appeal against this order of acquittal and further, of the entitlement to free legal aid for the same. A copy of this order be urgently and invariably sent to (1) the District Magistrate, North 24 Parganas and (2) the Secretary, District Legal Services Authority, North 24 Parganas for information and necessary action.

Bail Bond(s) is/are discharged. Surety/ies (if any) is/are released.

Note in the relevant register(s).

Typed and Checked by me.

Rahul Bhattacharjee, WBJS
Judicial Magistrate 1st Court
Barrackpore, North 24 Pgs.
JO Code: WB01436
24.06.2026

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