

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
ALIPORE, SOUTH 24 PARGANAS**

Present : Moumita Ray
(JO CODE WB00990),
Chief Judicial Magistrate,
Alipore, South 24 Parganas

CGR Case No. - 698 of 2022
CIS No. GR Case No. 153 of 2026
CNR No. - WBSP05-000226-2026
TR No. - 10 of 2026

STATE

.....Prosecution

V/s.

Madhu Prasad Ahir

.....Accused person

Under Section 341/323/354/506/509 of Indian Penal Code

Date of delivery of Judgment : 12.03.2026

J U D G M E N T

The instant case is u/s. 341/323/354/506/509 of Indian Penal Code. This case was initiated on the basis of the written complaint lodged by defacto complainant namely Sangita Singh @ Rani.

The brief fact of the case as alleged by the complainant in her written complaint is that on 14.03.2022 at about 00:35 hrs, the accused person came in front of the residence of the complainant and abused her with filthy languages and on being protested, the accused assaulted her by means of fists & blows and also outraged the modesty of the complainant by touching her private parts during the said fracas and also threatened her with dire consequences. Hence, this case.

On the basis of complaint so lodged Ekbalpore Police Station

Case No. 87 of 2022 dt. 14.03.2022 u/s. 341/323/354/506/509 of Indian Penal Code was initiated and after proper investigation, charge-sheet was submitted against the accused u/s. 341/323/354/506/509 of Indian Penal Code.

On perusal of the entire materials the court framed charge against the accused u/s. 341/323/354/506/509 of Indian Penal Code. Substance of accusation was read over and explained to the accused to which he pleaded 'Not Guilty' and claimed to be tried. Hence this trial.

Trial was held, witness was examined by the prosecution in support of its case. The accused was examined u/s. 313 of Cr.P.C. and he pleaded his innocence all through. He also declined to adduce any evidence. The defence case as I find from the trend of cross-examination is that he has denied the material allegations of the de-facto complainant.

Argument was done at length.

In order to bring home the guilt of the accused u/s. 341/323/354/506/509 of Indian Penal Code, the Prosecution banked on the evidence of the following list of witnesses & got the following documents exhibited.

Witnesses adduced by the prosecution

| <u>Sl no.</u> | <u>Name of witness</u> |
|---------------|------------------------|
| 1 | Kiron Devi Verma |

Documents relied upon by the prosecution

| <u>Ex no.</u> | <u>Document</u> |
|---------------|-----------------|
| Nil. | |

The defence neither did adduce any evidence nor did exhibit any document on its behalf.

Points for Consideration

Is the accused guilty of the offence punishable u/s. 341/323/354/506/509 of Indian Penal Code ?

Decisions With Reasons

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

Ld. PP during the course of argument submitted that the case of the prosecution has been proved in toto. According to the Ld. PP, the accused was directly involved in the commission of the alleged crime and as such he should be given appropriate punishment.

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

In a case of like nature, oral evidence always requires corroboration with the documentary evidence. One witness, namely Kiron Devi Verma has been examined as PW 1. PW 1, who turned up, has stated during her examination that she knows nothing about this case. Thus, the witness failed to say anything convincing which on his own can be said to be enough to bring home the guilt of the accused. The de-facto complainant did not turn up to adduce evidence and thus, failed to corroborate the allegations as mentioned in his complaint. The IO has also not been examined in support of prosecution case. It is hardly possible to connect the accused with the present case. No witness to the occurrence came on record to support the prosecution case. Evidence of the PW is not quite enough to prove the charge against the accused. Owing to the same the prosecution case falls flat.

No substantive evidence has come on record from the mouth of prosecution witnesses where from it can be construed that the charge so framed against the accused has been fully satisfied by the prosecuting agency. No specific evidence is there to satisfy the ingredients of section 341/323/354/506/509 of Indian Penal Code and/or there is no clear-cut specific evidence u/s. 341/323/354/506/509 of Indian Penal Code. To satisfy the ingredients of the section the primary thing that has to be satisfied has not been done by the prosecution. Only suspicion cannot take place of proof. Except there being existence of suspicion, there is no rational, acceptable, cogent and reliable evidence on record where from it can be construed that there was any offence done by the accused. If that be so, then the prosecution itself has given a death blow to its own

case. There is no cogent evidence on record that the accused committed the alleged offence. That specific evidence is very much lacking in the prosecution case. Again, it is required to be mentioned here that mere suspicion cannot take place of proof and to prove a case it is the duty of the prosecution to prove its case beyond all the shadows of doubt. Practically, the evidence of the witness, who turned up, is not enough to substantiate the charge so framed.

The prosecution evidence was closed on the prayer of the Ld. PP. It is the prosecution who by not adducing any further evidence despite being given the scope to do so by the court, has negated its entire case. Practically, except there remaining suspicion about the commission of offence by the accused there remains nothing on record which can incriminate and/or book the accused under the section under which charge has been framed here in this case. Nothing on record is there which can bring home the charge against the accused.

In absence of all these, I find no merit in the case of the prosecution which can book the accused.

Despite being given several opportunities the prosecution failed to substantiate its case by giving proper cogent and reliable evidence. Failure on the part of the prosecution in this regard negates the case of the prosecution. Practically the prosecution case has got no basis to stand up.

I therefore, hold that the essential ingredients to connect the accused with the offence punishable u/s. 341/323/354/506/509 of Indian Penal Code are very much absent in the present case. The prosecution has failed to adduce anything which incriminates the accused in this case. Resultantly, the accused is entitled to be acquitted of the charge so framed against him u/s. 341/323/354/506/509 of Indian Penal Code.

All the points are thus answered in the negative.

In the result, prosecution case fails and the accused merits acquittal.

Hence, it is,

O R D E R E D

that the accused person namely, Madhu Prasad Ahir is found not guilty of the charge so framed against him u/s. 341/323/354/506/509

of Indian Penal Code and he be acquitted u/s. 248(1) of Cr.P.C.

The accused is on Court bail. Bail bonds shall remain in force for the next six months as per the mandate of Section 437A of Cr.P.C.

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

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

D/c by me;

Chief Judicial Magistrate,
Alipore, South 24 Parganas

Moumita Ray
Chief Judicial Magistrate,
Alipore, South 24 Parganas
JO CODE WB00990

Addendum

The victim/Complainant has a right to prefer an appeal under the proviso to section 372 of the Code of Criminal Procedure and if necessary victim is entitled to avail free legal assistance through Legal Services Authorities concerned to prefer & prosecute such appeal.

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

BC-I and BC-II to comply.

Moumita Ray
Chief Judicial Magistrate
Alipore, South 24 Parganas
JO CODE WB00990