



IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK 1ST COURT, ISLAMPUR, UTTAR DINAJPUR

Present: Shri Sarad Kumar Chhetri (WB00786)
Additional Sessions Judge,
Fast Track 1st Court,
Islampur, Uttar Dinajpur

Date of delivery of Judgment : 9th day of July 2026

Session Case no. 201 of 2023
Session Trial no. 14 of 2024
CNR : WBUD05-001450-2023

(Details of FIR/Crime and Police Station)

Complainant	STATE OF West Bengal
Represented by	Muktar Ahmed, Ld. PP-in-charge
Accused	1. Fekarul, 2. Momina Bibi, 3. Reshma Bibi and 4. Jamshed
Represented by	Soumendu Majumdar, the Ld. Advocate of accused persons

Date of Offence	24-04-2022
Date of FIR	25-04-2022
Date of Charge-sheet	13-07-2022
Date of Framing Charges	21-03-2024
Date of commencement of Evidence	20-12-2024
Date on which Judgement is reserved	None



Date of the Judgement	09-07-2026
Date of the Sentencing Order, if any	NA

Accused details:

Rank of the Accused	Name of Accused	Date of arrest / surrender	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 of Cr.P.C
1.	Fekarul	26-4-22	21-7-22	u/s 498A/302/201/506/34 IPC	Acquitted	Nil	87 days
2.	Momina Bibi	20-8-22	20-8-22	u/s 498A/302/201/506/34 IPC	Acquitted	Nil	0 days
3.	Reshma Bibi	20-8-22	20-8-22	u/s 498A/302/201/506/34 IPC	Acquitted	Nil	0 days
4.	Jamshed Ali	20-8-22	20-8-22	u/s 498A/302/201/506/34 IPC	Acquitted	Nil	0 days



JUDGEMENT

FACTUAL RESUME

The brief fact of the case as stated in the FIR is that the complainant-cum-victim namely, Rejina Khatun lodged one written complaint on 25.04.2022 before Dalkhola PS against Fekarul, Momina Bibi, Reshma Bibi and Jamshed Ali resident of Village-Sonarampur, P.O- Sripur PS- Dalkhola, Dist- Uttar Dinajpur. It is alleged in the complaint that she was married with accused Fekarul about 2½ years back according to Muslim Rites and Customs. Out of their wedlock one female child was born and she is named as Sabnam and her age 01 year 03 months. After the birth of her daughter, her husband and in-laws started torturing upon her both mentally and physically. Yet she continued to live with them. Her husband threatened to kill both wife and daughter and further threatened to marry again. All the accused persons used to conspire together on how to eliminate her and her minor daughter. On 24.04.2022 at around 20.00 hours, she put her daughter Sabnam to sleep in bed and went to the mosque located approximately 50 meters from her matrimonial house to offer prayers. About 30 minutes later, after finishing her prayers, she returned to the room, she found her daughter missing in the bed. Unable to find her daughter at home, she began to search but failed and informed the adjacent villagers. Then they started searching her daughter in surrounding areas. Approximately after 03 hours, her daughter was found floating dead in Sudani River, about 300 meters away from



her matrimonial home. The villagers lifted the dead body from the river and taken to the Dalkhola P.H.C. The complainant was under the impression that her husband killed her daughter and threw her into the river. Hence, this case.

F.I.R

On the basis of the written complaint, O/C Dalkhola P.S. started Dalkhola PS case no.139/2022 dated 25.04.2022 under section 498A/302/201/506/34 of The Indian Penal Code and the case was endorsed to PSI Md. Arif Hossain for investigation.

Investigation:

During investigation, the I.O. visited the P.O., prepared rough sketch map with index, recorded the statement of the complainant and other available witnesses U/s 161 Cr.P.C. On 26.04.2022 he arrested the FIR named accused person namely, Fekarul, S/o- Jamshed and other accused persons surrendered before the Ld. Court. He submitted charge-sheet Under Section 498A/302/201/506/34 of the Indian Penal Code against the accused persons namely, 1. Fekarul, 2. Momina Bibi, 3. Reshma Bibi and 4. Jamshed Ali.

Framing of charge:

The case record has been received on transfer from the court of the Ld. Additional Sessions Judge, 1st Court, Islampur on 16.08.2023 for trial. Charge had been framed against charge-sheeted



accused persons named above on 21-03-2024 under section 498A/302/506/34 of The Indian Penal Code. Charge so framed was read over and explained to the accused persons to which they claimed innocence by stating collectively “Amra Nirdosh” and claimed to be tried.

POINTS FOR DETERMINATION

1. Whether the accused persons have committed any offence under Section 498A/302/506/34 of Indian Penal Code to which they have been charged?
2. If so, whether the prosecution has succeeded to bring home the charge against the accused persons successfully ?

Evidence:

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	Rojina Khatun	De-facto complainant
PW 2	Saimuddin	Father of de-facto complainant
PW 3	Nabab Ali	Independent witness
PW4	Md. Mantu	Independent witness
PW5	Swapan Adhikari	Scribe
PW6	Gyasuddin	Independent witness
PW7	Jamirul	Independent witness



B. Defence Witnesses, if any:

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
None	None	-

C. Court Witnesses, if any:

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
None	None	-

List of Prosecution Exhibits :

A. Prosecution:

Sl No.	Exhibit No.	Description of the document	Date of admission
1	1	Written complaint dated 25.04.2022	20-12-2024
2	1/1	Signature with address as scribe and reader of the complaint	23-03-2026
3	2 collectively	Two signatures of PW1 on the statement recorded u/s 164 of Cr.P.C	20-12-2024

B. Defence:

Sl. No.	Exhibit Number	Description
None	None	-

C. Court Exhibits:

Sl. No.	Exhibit Number	Description
None	None	-



D. Material Objects:

Sl. No.	Material Object Number	Description
None	None	-

PW1 Rojina Khatun, the de-facto complainant of this case has stated that she has lodged a complaint before Dalkhola PS against her husband Fekarul, her mother-in-law Momina, her father-in-law Jamsed and her sister-in-law Resma (identified). She went for offering her prayer and at that time her daughter was playing around their house and suddenly she fell down in the river which is near to their house. Subsequently the body of her daughter was recovered and the local villagers told her that her daughter was murdered by her husband and in-laws and on that impression, she had lodged the complaint before police station.

In her cross-examination she failed to recollect the contents of FIR. She could not state the contention of statement recorded u/s 164 of Cr.P.C. She admitted that her parents-in-law and sister-in-law had gone to offer their prayer. Her daughter was playing with other children of their village.

PW2, PW3, PW4, PW6 and PW7 rather remained silent by not uttering any facts before the court.

PW5 Swapan Adhikari proved his signature with address as scribe and reader of the complaint as Exhibit-1/1.

Examination of the accused persons u/s 313 Cr.P.C.:

On the other hand even though no witness has been examined from the defence side but defence case as it appears from



the trend of cross-examination and also from the examination of the accused persons u/s 313 Cr.P.C. is the total denial of the prosecution case, claiming innocence.

Argument :

Both the Ld. Advocate on behalf of the Prosecution as well as defence made their submissions that the case has been perhaps compromised by the parties out side ambit of the court as appeared from the deposition of PW2 to PW7 and they did not support and corroborate the evidence of PW1. Since the prosecution did not get support from its witnesses, accusation of the guilt of the accused persons is not proved. As such they left the matter before the Court for adjudication.

Considering all these discussions made above, the prosecution has failed to prove the case beyond all reasonable doubt, rather the prosecution witnesses themselves make the prosecution helpless to bring out the truth and the accused persons do get the benefit of doubt and they are liable to be acquitted from this case.

Hence it is,

O R D E R E D

that the accused persons namely, 1. Fekarul, 2. Momina Bibi, 3. Reshma Bibi and 4. Jamshed are not found guilty of the offence punishable under Section 498A/302/506/34 of the Indian Penal Code and they are accordingly acquitted under section 235 (1) Cr.P.C.



Accused persons are thus set at liberty at once and also discharged from their respective bail bonds.

Seized alamats, if any, be destroyed after expiry of period of appeal.

The victim and her family has right to prefer an appeal under proviso to section 372 of the Code of Criminal Procedure and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

Let a copy of this judgement be forwarded to the District Magistrate and to the DLSA, Uttar Dinajpur for due intimation to the victim and her family as defined under Section 2(wa) of the Code of Criminal Procedure.

Dictated and corrected by me,

Sd/-

Addl. Sessions Judge,
Fast Track 1st Court, Islampur.

Sd/-

(Sarad Kumar Chhetri)
Addl. Sessions Judge
Fast Track 1st Court, Islampur.