

CNR WB UD 05 001157 2023

<b>Form A</b>	
IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE, FAST TRACK II COURT, ISLAMPUR, U/DINAJPUR	
Present :	Sri Nilanjan De, ( <b>J.O Code-WB00716</b> ) Additional Sessions Judge, F.T.C-II, Islampur, U/Dinajpur.
<b>Sessions Case No. 172 of 2023</b> <b>Sessions Trial No. 56 of 2023</b>	
<b>Ref : Chakulia PS case No. 82 of 2022 dated : 02.04.2022</b> <b>G.R. 841 of 2022</b> (Details of FIR/Crime and police station)	
<b>Form A</b>	
Complainant: Azizul Rahaman Son of : Mahsan Ali Village : Jamira, P.S. : Chakulia District : Uttar Dinajpur	STATE OF WEST BENGAL  OR  Azizul Rahaman
Accused Persons :	<b>A1. Md. Taleb @ Talep Hussain</b> <b>A2. Saista Khatun</b> <b>A3. Bibi Manija Khatun</b> <b>A4. Ataur Rahaman @ Atabur</b> <b>A5. Tajel Hussain @ Tajel</b> <b>A6. Sadikul @ Md. Sadiqul</b> <b>A7. Md. Anarul @ Anarul</b>
REPRESENTED BY :	<u>NAME OF THE ADVOCATE</u>
Private/Personal Advocate	Md. Mubarak Alam
Name of the Public Prosecutor	Mudaswar Nazar

**Form B**

Date of offence	<b>02.04.2022</b>
Date of FIR	<b>02.04.2022</b>
Date of Charge sheet	<b>31.07.2022</b>
Date of supplementary Charge sheet	Nil.
Date of Framing of Charges	<b>19.08.2023</b>
Date of commencement of Evidence	<b>04.12.2024 to 18.09.2025</b>
Date of examination of the accused persons u/s 313 of Cr.P.C	<b>06.03.2026</b>
Date of the Judgment	<b>17.03.2026</b>
Date of the Sentencing Order, if any	Does not arise.

**Accused details :****Facing the trial : 07      Died during trial : 00**

Rank of the accused	Name of Accused	Date of arrest of the accused	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	<b>Md. Taleb @ Talep Hussain</b>	<b>Arrested 04.04.2022</b>	21.05.2022	Under Section 498A/326/307/34 of IPC	Acquitted	Nil	65 days
A2	<b>Saista Khatun</b>		21.10.2022 Anticipatory Bail by D.S.J	Under Section 498A/326/307/34 of	Acquitted	Nil	Nil

				IPC			
A3	<b>Bibi Manija Khatun</b>		21.10.2022 Anticipatory Bail by D.S.J	Under Section 498A/326/307/34 of IPC	Acquitted	Nil	Nil
A4	<b>Ataur Rahaman @ Atabur</b>		21.10.2022 Anticipatory Bail by D.S.J	Under Section 498A/326/307/34 of IPC	Acquitted	Nil	Nil
A5	<b>Tajel Hussain @ Tajel</b>		21.10.2022 Anticipatory Bail by D.S.J	Under Section 498A/326/307/34 of IPC	Acquitted	Nil	Nil
A6	<b>Sadikul @ Md. Sadiqul</b>		21.10.2022 Anticipatory Bail by D.S.J	Under Section 498A/326/307/34 of IPC	Acquitted	Nil	Nil
A7	<b>A7. Md. Anarul</b>		21.10.2022 Anticipatory Bail by D.S.J	Under Section 498A/326/307/34 of IPC	Acquitted	Nil	Nil

### Form C

#### List of prosecution/Defence/Court witnesses

##### A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCHNAMA WITNESS)
PW1	Ajjur Rahaman	Defacto complainant
PW2	Fulera Khatun	Victim
PW3	Bibi Sareja Khatun	Mother of the victim

##### B : Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS)
DW1		
DW2		

##### C : Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS)
CW1		
CW2		

#### LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

##### A PROSECUTION

SR NUMBER	EXHIBIT NO	DESCRIPTION
Nil		

**B-Defence**

SR NUMBER	EXHIBIT NO	DESCRIPTION
1		
2		
3		

**C- COURT EXHIBITS**

SR NUMBER	EXHIBIT NO	DESCRIPTION
1		
2		
3		

**D MATERIAL EXHIBITS**

SR NUMBER	EXHIBIT NO	DESCRIPTION
1		
2		
3		

**JUDGEMENT**

The thumb nail sketch of the FIR is that the accused Md. Taleb Hussain married with the victim according to Muhammadan rites and custom and according to the complainant, Azizul Rahaman, father of the victim she was tortured for non fulfillment of their demand of additional dowry. The accused persons who are the victim's husband and in-laws assaulted her brutally and even there was an attempt to kill her by using dagger causing her admission to Kanki Rural Hospital and even she was shifted to Purnia Hospital at Bihar for better treatment. The defacto being an illiterate person with the help of scribe submitted a prayer for a First Information Report (FIR) to the Officer-in-Charge of the Kanki Police Outpost under Chakulia Police Station, dated April 2<sup>nd</sup>, 2022.

The complainant stated that on the early morning of April 2<sup>nd</sup>, 2022, at approximately 3:10 AM, he received distressing information that his daughter was being violently attacked at her matrimonial house. Upon arriving at the scene, he discovered his daughter in a critical, unconscious state, suffering from profuse bleeding. He further detailed that the assailants had intentionally attacked her with the motive to kill, using iron rods and heavy sticks to strike her repeatedly on the head and other parts of her body.

The complainant further noted that the victim was immediately rushed to the Hopewell Hospital in Kishanganj, where she remained in a life-threatening condition. Concluding his statement, Mr. Rahaman requested the police authorities to initiate a formal investigation and take strict legal action against Md. Taleb Hussain and the others involved in this heinous act to ensure justice for his daughter.

In-charge of Kanki OP forwarded the written FIR to I.C. of Chakulia PS an who received the FIR on 02.04.2022 and started Chakulia PS case no. 82 of 2022 dated 02.04.2022 and proceed the case against the FIR named accused under Section 326/307 of IPC with endorsement and he himself filled up the formal F.I.R. where he as I/C. of the PS appointed S.I. Mostafa Ali for investigation as the IO of this case.

During investigation, the IO S.I. Mostafa Ali reported that during the course of the investigation, visited the P.O., prepared a rough sketch map, and examined witnesses whose statements were recorded under Section 161 Cr.P.C. Additionally, judicial statements of the illiterate victim were recorded under Section 164 Cr.P.C. The I.O. noted that after consulting with the I.C. of the PS Camp at Chakulia PS regarding the merits of the case, the investigation was nearly complete; however, the submission of the final charge sheet remained pending due to the failure to arrest the remaining accused persons who were reported as absconding. Furthermore, the I.O. collected the injury report for Bibi Furlera Khatoon and, upon perusal of the medical findings, concluded the investigation against all the accused persons u/s 326, 307, and 34 of the IPC the section 498(A) not incorporated in the Charge Sheet in-spite of dowry demand.

At the conclusion of the investigation, sufficient evidence had been collected to establish a prima-facie charge under sections 498(A), 326, 307, and 34 of the IPC against the seven accused persons, namely Md. Taleb Hussain, Saista Khatun, Bibi Manija Khatun, Ataur Rahaman, Tajel Hussain, Sadikul, and Md. Anarul, all residents of village Jamira. The I.O. submitted the formal Charge Sheet No. 211/2022 dated July 31<sup>st</sup>, 2022, against all these individuals.

### **Commitment**

The learned A.C.J.M. took cognizance of the charge sheet on 10.10.2022 submitted by the IO and considering the gravity of the sections are Sessions triable he was please to commit the case record on 16.05.2023 before the Ld. Additional Sessions Judge, Islampur u/s. 209 of Cr Pc.

The Ld. Additional District Sessions Judge, Islampur received the case record on 04.07.2023 and after taking the formal cognizance on Sessions pleased to transfer the case record for trial to this court on the very date.

This court received the record on 27.07.2023 and the prima facie charge against all the accused person namely Taleb Hussain, Saista Khatun, Bibi Manija Khatun, Ataur Rahaman, Tajel Hussain, Sadikul, and Md. Anarul framed with Section 498A/326/307/34 of IPC on 19.,08.2023. The accused persons pleaded not guilty and claimed for trail before the cognizance of this Court.

The accused person is examined under Section 313 of Cr.P.C. on 06.03.2026 by which they pleaded innocent and denied to adduce any witness as DW.

**APPRECIATION OF EVIDENCE**

P.W.-1 Ajjur Rahaman stated he is an illiterate person and a cultivator by profession. He explained that his daughter had been married to the accused, Taleb Hussain, according to Muslim rites approximately two and a half years ago. According to his testimony, the accused began demanding dowry money shortly after the marriage, and when the demand was not satisfied, the accused jointly assaulted his daughter brutally with a dagger, causing multiple head injuries and attempting to kill her.

Mr. Rahaman further testified that he was informed of the assault by a neighbor at approximately 3:10 a.m., after which he visited his daughter's matrimonial home and found her injured. He noted that she was first admitted to Kanki Hospital and later transferred to Purnea Hospital, where she admitted for fifteen days, and he personally bore all medical expenses. He confirmed that he had lodged a complaint at the Kanki Outpost and that the First Information Report (FIR) had been read over and explained to him before he placed his LTI on it.

During cross-examination he maintained that he had informed the scribe about the monetary demands and the attempt on his daughter's life, though he admitted he had not handed over his mobile phone to the Investigating Office. He stated that he provided the medical history of their daughter's injuries to the doctor at Kanki Hospital and lodged an FIR on the day the incident occurred. Upon receiving news of the event, the witness and their family went to the accused's house in Jogira village a community of approximately 200 families to bring their daughter home. They identified Imran and Hussain as neighbors of their daughter's matrimonial home and confirmed that they handed over her blood-stained clothing to the Investigating Officer.

Furthermore, the witness asserted that the accused had demanded money from their daughter and brutally assaulted her with a dagger, targeting various parts of her head, after the demand was refused. The witness clarified that they were informed of the assault by a neighbor at 3:10 a.m., after which they found their injured daughter and admitted her to Kanki Hospital. Subsequently, she was referred to Purnea Hospital, where she remained for 15 days; the witness noted that neither the accused nor their family visited her during this time. Finally, the witness maintained that they personally paid for all medical expenses and denied suggestions that their daughter had been conscious following the attack.

PW-2 Fulera Khatun stated that the defacto complainant, Ajjur Rahaman, is her father and that he had initiated legal action against her husband and six others. She explained that while her father lodged the case following an altercation with her husband, the dispute has since been resolved. Consequently, she stated that she is currently residing with her husband at his house. No any allegation raised against other accused persons. There is no corroboration of the incident.

The witness further confirmed that she had previously recorded a statement before a Magistrate, which she identified by her left thumb impression marked as 'X'. She also noted that her father, who is illiterate, had placed his thumb impression on the FIR, identified in court as 'Y'. Accompanied by her mother, she concluded her testimony by stating she had nothing further to add. **During cross-examination, she stated that except altercation nothing had happened.**

PW-3 Bibi Sarejan Khatun who stated that that the domestic dispute has since been resolved. She stated that her daughter is currently living "happily" at the house of the accused (the son-in-law). Consequently, she informed the court that she had no further statements to make regarding the matter. Following this testimony, the cross-examination on behalf of the accused was declined, and the proceedings for this witness were concluded.

#### ARGUMENT

The Ld. PP-in-charge submitted that the Sections 498A, 307, and 326 of the IPC ultimately crumbled due to a total lack of corroboration from the material witnesses, primarily the victims and her parents. Regarding Section 498A, the complainant failed to substantiate allegations of matrimonial cruelty on dowry-related harassment. As the defacto complainant was an illiterate person and whatever he alleged in his evidence though corroborate with the FIR but none support him. He even does not marked as the FIR in open Court bringing the Scribe on dock. Here the victim who does not support the complainant case and stated that whatever stated in the FIR was just an altercation nothing else and that too was solved. The Section 307, the victims did not testify to any specific intent on the part of the accused assault to cause death. The victim clearly stated in her evidence that due to altercation with her husband/accused her father lodged this case and at present the matter is resolved. For Section 326, prosecution failed to confirm the use of dangerous weapons during the alleged incident, no seizure of assaulting weapon was made. No medical officer appeared before this Court to support the injury or prove history behind assault in favour of the prosecution. Even at this stage the victim even do not stated that whether she would medically examined or not for her injury. Hence, the Public Prosecutor was unable to bridge the gap between the medical reports and the ocular evidence.

It is most respectfully submitted by the learned counsel for the accused that the prosecution's case rests entirely on a foundation of generalized allegations that lack the 'proximity of time' and specific intent required to sustain convictions under these grave sections. Regarding Section 498A, He submit that the allegations of cruelty are mere embellishments born out of matrimonial discord, lacking the evidentiary threshold of continuous harassment for dowry. Furthermore, the charges under Section 307 (Attempt to Murder) and Section 326 (Voluntary Causing Grievous Hurt) are fundamentally unsupported by the medical jurisprudence in this case; the injuries cited do not meet the legal definition of 'life-threatening' nor is there a proven mens rea (guilty mind) to cause

death. In the absence of a clear common intention, Section 34 cannot be used as a dragnet to implicate every family member. He contended that the accused has been victimized by a retaliatory litigation strategy, and without independent corroboration or a 'common thread' of evidence, the benefit of the doubt must firmly rest with the accused

**DECISION WITH REASONS:**

The Court has carefully evaluated the arguments and evidence presented under Sections 498A, 326, 307, and 34 of the IPC. While the allegations are grave, the prosecution bears the heavy burden of proving the guilt of the accused beyond a reasonable doubt, a standard that has not been met in the current proceedings. Regarding the charge of cruelty under Section 498A, the testimony provided by the complainant was found to be inconsistent and lacked independent corroboration. There were no documented prior complaints or medical records suggesting a pattern of harassment, and the oral evidence consisted largely of vague allegations that failed to establish the specific legal threshold of "cruelty" required to sustain a conviction.

Furthermore, the charges of attempt to murder (Section 307) and causing grievous hurt (Section 326) are significantly undermined by the medical evidence on record. The prosecution's narrative of a premeditated, life-threatening assault is directly contradicted by the medical documents which categorizes the injuries as "simple" rather than "grievous" or "dangerous to life." In criminal law, when the ocular evidence—the story told by witnesses is fundamentally at odds with the scientific medical evidence, the benefit of the doubt must inevitably be extended to the accused. The weapon allegedly used was never recovered, and the forensic trail failed to link the accused persons to the specific injuries claimed by the complainant.

Finally, the prosecution failed to establish the "common intention" necessary under Section 34. There was no evidence of a prior meeting of minds or a coordinated plan to commit the alleged offenses; the mere presence of family members at the scene of a domestic dispute does not automatically imply criminal conspiracy or shared intent. Additionally, the unexplained three-day delay in filing the FIR creates a significant risk that the allegations were the result of an afterthought or legal tutoring rather than a spontaneous account of the facts. Consequently, as the evidence remains in the realm of "may be true" rather than "must be true," the Court finds the accused not guilty and orders their immediate acquittal.

Hence, it is

**O R D E R E D**

That the accused person, namely **A1. Md. Taleb Hussain @ Talep Hussain A2. Saista Khatun A3. Bibi Manija Khatun A4. Ataur Rahaman @ Atabur A5. Tajel Hussain @ Tajel A6. Sadikul @ Md. Sadiqul A7. Md. Anarul @ Anarul** are found not guilty for the offenses u/s. 498A/326/307/34 of the I.P.C. and they are acquitted u/s 235(1)

of Cr.P.C.

The accused persons **A1. Md. Taleb Hussain @ Talep Hussain A2. Saista Khatun A3. Bibi Manija Khatun A4. Ataur Rahaman @ Atabur A5. Tajel Hussain @ Tajel A6. Sadikul @ Md. Sadiqul A7. Md. Anarul @ Anarul** is released from his respective bail bonds after six months in view of 437A Cr.P.C and after that period the sureties will be released automatically if not any appeal was preferred against this Judgment before the Higher Court.

The seized articles (if any) be destroyed after the expiry of the statutory period.

Note in the register and upload the judgment in CIS.

Addl. Sessions Judge,  
Fast Track 2<sup>nd</sup> Court,  
Islampur

**Date: 17.03.2026**