

Form A

District: UTTAR DINAJPUR In the Court of the Chief Judicial Magistrate, Uttar Dinajpur Present: Leena Lama Chief Judicial Magistrate, Uttar Dinajpur (J.O. Code – WB-01029) <i>[Date of Delivery of Judgement : 21-07-2026]</i> <u>G.R. Case No. 197 of 2015</u> <u>C.I.S. No. 95 of 2017</u> TR No. 316 of 2015 Ref : Raiganj PS Case no. 97 of 2017 Dated 30-01-2015 under Section : 323/354/34 of I.P.C	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	Ld. APP, Niladri Sarkar
ACCUSED	1. Kartick Das 2. Anukul Das 3. Bijoy Das 4. Mithun Das Accused persons are of village Raipur, Gomordha, PS - Raiganj, District – Uttar Dinajpur.
REPRESENTED BY	Dhrubajyati Debbhuit, Ld. Advocate for the Accused persons

Form B

Date of Offence	29-01-2015
Date of FIR	30-01-2015
Date of Charge Sheet	27-02-2015
Date of Framing of Charges	07-01-2017
Date of Commencement of Evidence	02-07-2022
Date on which Judgment is reserved	N.A.
Date of the Judgment	21-07-2026
Date of the Sentencing Order, if any	N.A.

Accused details :

Rank of the Accused	Name of 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
01	Kartick Das	NA	09-02-2015	323/354 I.P.C.	Acquitted	N.A	N.A
02	Anukul Das	N.A	09-02-2015	323/354 I.P.C.	Acquitted	N.A	N.A
03	Bijoy Das	N.A	10-02-2015	323/354 I.P.C.	Acquitted	N.A	N.A
04	Mithun Das	N.A	09-02-2015	323/354 I.P.C.	Acquitted	N.A	N.A

Form – C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Sufal Mondal	Independent witness
PW2	Fulobati Mondal	Independent witness
PW3	Drupati Das Mondal	Complainant
PW4	Robi Mandal	Independent witness

B. Defence Witness, if any : No Defence witness has been examined.

C. Court Witness, if any : No Court Witness has been examined.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1		No document has been marked as exhibit.

B. Defence Exhibits: No document has been produced.

C. Court Exhibits: Not Applicable.

PROSECUTION CASE

The brief facts of the case as stipulated in the body of complaint is that on 29-01-2015 at about 09:00 hours when the de facto complainant namely Drupati Das Mondal went to collect the price of jute from the accused persons at that time the accused persons wrongfully restrained the de facto complainant and assaulted her by fists and blows .They also outraged her modesty by taking off her wearing apparels and touched her persons. When the her son Sanjoy Mandal went to her rescue, at that time the accused persons also assaulted him by fists and blows. Hearing the hue and cry local people came and rescued them.

The de facto complainant thereafter lodged this complaint before the local PS. On the basis of the written Complaint, Raiganj P.S started the case being Raiganj PS Case no. 97 of 2015 Dated 30-01-2015, under Section 323/354/34 of I.P.C against the accused persons and thereafter, investigation was commenced.

On completion of investigation, Charge Sheet bearing No. 221/2015 dated 27-02-2015, U/S. 323/354/34 IPC was submitted by I.O against the FIR named 04 accused persons namely 1. Kartick Das, 2. Anukul Das, 3. Bijoy Das and 4. Mithun Das. Accordingly cognizance was taken on 27-11-2015 on the basis of charge-sheet.

After the submission of the charge sheet and copy supplied, the case was transferred to the file of C.J.M., Uttar Dinajpur at Raiganj.

It appears to me from the record that on 07-01-2017 the charge was framed against the accused persons for the offence punishable U/S. 323/354 of IPC and the contents of charge was read over and explained to them in the language known to them to which they pleaded not guilty and claimed to be tried. Hence, the case was placed for trial.

POINTS FOR DETERMINATION

1. Whether the accused persons are guilty of the offence, booked under section 323/354 IPC ?
2. Whether the prosecution is successful to prove the Charges against the accused persons ?

DECISION WITH REASONS

In order to prove this case the prosecution had examined four (04) witnesses to prove their case. One Sufal Mondal was examined and discharged as PW-1. Fulobati Mondal was examined and discharged as PW-2. Drupati Das Mondal (the defacto complainant of this case) was examined and discharged as PW-3 and Robi Mandal was examined and discharged as PW-4.

Since there were no incriminating materials against the accused persons their examination U/s 313 of Cr.P.C, were dispensed with.

The points stated forth since interlinked, are taken up together for brevity and convenience of discussion and also for consideration.

Now, let me consider the above referred facts and evidences to determine the points stated forth.

PW-1 (Sufal Mondal), PW-2 (Fulobati Mondal) and PW-4 (Robi Mandal) all of them had deposed in the same line contending that they knew the defacto complainant of this case but have no knowledge whether she filed this case nor

they had any knowledge about any incident occurred in between the de facto complainant and the accused persons.

So from the evidences of these witnesses ie PW-1 ,PW-2 and PW4 it appears to me that they did not support the prosecution case .

PW-3 (Drupati Das Mondal, the de facto complainant of this case) deposed that there was hot altercation between the accused persons and herself with regard to the landed property. Apart from that there was no other dispute.

During cross examination she deposed that she has no grievances against the accused persons. She has have no objection if the accused persons are acquitted from this case.

So from the evidence of this witness it appears to me that she had filed this case out of hot altercation in between her and the accused person and she had thereby failed to support the case as made out in the body of complaint .

In the light of above discussion it appears to me that Prosecution has thus miserably failed to prove the charges labelled against the accused persons beyond reasonable doubt.

Hence, it is

ORDERED

That the accused persons namely 1. Kartick Das, 2. Anukul Das, 3. Bijoy Das and 4. Mithun Das are found not guilty of the offences punishable U/S. 323/354 of IPC and they are acquitted from this case U/S. 248(1) of the Cr.P.C.

The surety/sureties is/are discharged from his/their respective bail bonds.

The seized articles, if any, be disposed of as per Law after expiry of appeal period.

Dictated & corrected by me.

C.J.M., U.D.

(SMT LEENA LAMA)
Chief Judicial Magistrate
Uttar Dinajpur.
(J.O. Code – WB01029).