

Miscellaneous Form No
(M) 34 to Form No (M) 36

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, 13 th COURT, CALCUTTA.	
Present: KUNTAL CHATTERJEE (JO Code-WB 00979) Judicial Magistrate 13 th Court, Calcutta.	
Date of the Judgement : 30.09.2024	
Case No. <u>G.R Case No.1045 of 2022</u> TR No.8701 of 2023 Reg No. GRN - 1045/2022 CNR -WBCS02-145888-2022	
Under Sections 341/323 of the Indian Penal Code.	
Complainant	STATE OF WEST BENGAL OR NAME OF THE COMPLAINANT : Anand Mohan Roy @ Mukund Roy
REPRESENTED BY	Arup Chakraborty
ACCUSED	1) Manoj Kumar Singh, S/o – K Singh Of 4/5, Kaliprasanna Street, PS- Chitpur, Kolkata – 02.
REPRESENTED BY	

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FORM B

Date of Offence	31.08.2022
Date of FIR	31.08.2022
Date of Charge-sheet	19.12.2022
Date of framing charges	02.02.2024
Date of commencement of Evidence	26.04.2024
Date on which Judgement is reserved	30.09.2024
Date of the Judgement	30.09.2024
Date of the Sentencing Order, if any	Nil

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.
1.	Manoj Kumar Singh	Surrendered before the Ld. Court on 05.09.2022	05.09.2022	U/s.341/323 of IPC	Acquitted	Nil	Nil

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Anand Gopal Roy	The other witness.
P.W.2	Pranab Roy @ Govind Roy	The other witness.

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B. Defence witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	
	Nil	

C. Court witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	
	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
01	Nil	
02	Nil	

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B. Defence :

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

D. Material Objects:

Sr. No.	Exhibit Number	Description
01	Nil	

J U D G M E N T

The prosecution case in short is that on 31.08.2022 at about 19:30 hrs. the accused person wrongfully restrained the complainant and his brother and physically assaulted them by fists and blows. As a result they received injury. Hence, this case.

On the basis of the above stated facts, a written complaint was lodged and Posta police station Case No.134 dated 31.08.2022 under section 341/323 of the Indian Penal Code was started against the accused person. The Investigating Officer (I.O) of the case submitted charge sheet being No.183/2022 dated 19.12.2022 u/s 341/323 of the I.P.C against the accused person after completion of the investigation.

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The case record was transferred before this court for trial and disposal.

The contents of plea under section 341/323 of the I.P.C was read over and explained to accused person to which he pleaded not guilty and claimed to be tried.

Examination of accused person u/s 313 of Cr.P.C was dispensed with considering the materials on record.

In order to prove the case the prosecution has examined only two witnesses i.e. Anand Gopal Roy as P.W-1 the other witness and Pranab Roy @ Govind Roy as P.W-2 the other witness.

POINTS FOR DETERMINATION

1. Whether the accused person is guilty of the offense punishable u/s 341/323 of I.P.C ?
2. Whether the prosecution has been able to prove its case against accused person beyond all reasonable doubt?

DECISION WITH REASON

For the purpose of brevity and convenience both the points for determination are taken up together.

The prosecution has alleged that on 31.08.2022 at about 19:30 hrs. the accused person wrongfully restrained the complainant and his brother and physically assaulted them by fists and blows. As a result they received injury. Let us see the evidence to this effect.

PW-1 Anand Gopal Roy, the other witness of this case has stated that he do not know anything about the incident.

PW-2 Pranab Roy @ Govind Roy, the other witness of this case has stated that he do not know anything about the incident.

Heard argument from both sides.

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The complainant does not want to proceed further with this instant case. He only identified the accused person. Therefore, Ld Lawyer prayed for acquittal of accused person.

Considering the above facts and materials on record, I find that there is nothing to believe in statement of the witness from the side of the prosecution and there is nothing which warrant this Ld Court to convict the accused person on the statement of witness. The prosecution failed to fulfill the ingredients of section 341/323 of IPC in all. In such facts, I hold that the accused person is required to be acquitted, as prosecution failed to prove this case beyond all shadow of reasonable doubts.

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Hence, it is

Ordered

that the accused person namely **Manoj Kumar Singh** is found not guilty of offence punishable u/s 341/323 of I.P.C and he is acquitted from this case u/s 255(1) of Cr.P.C and also discharged from bail bond.

Dictated & corrected by me.

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