

District: Paschim Medinipur

IN THE COURT OF THE JUDICIAL MAGISTRATE, 3rd COURT,
PASCHIM MEDINIPUR

PRESENT: ARPITA GHOSH,
J.O. CODE: WB01255
JUDICIAL MAGISTRATE, 3rd COURT,
PASCHIM MEDINIPUR

In the matter of:

State of West Bengal

.....Prosecution.

VS

Sk. Rabul

.....Accused person.

Case Details:

G.R. CASE NO. 2306 of 2019
TR No. 1051 of 2022
C.N.R No. WBWM03-004957-2022
CIS Registration No. 17739 of 2022

[arising out of KGP(L) P.S. Case No. 469 of 2019 dt. 06.07.2019 u/s.
341/363/354 of Indian Penal Code]

Charge was framed under Sections 341/363/354 of IPC.

Date of Delivery of Judgment : 29.06.2024

On the above date this court delivered the following judgment
in presence of :

Advocate for State:- Ld. APP Anirban Dutta.

Advocate for Accused:- Ld. Somnath Pati

J U D G M E N T

PROSECUTION CASE

1. The brief fact of this case is that one Madhabi Soren has lodged a written complaint before the Officer In Charge of Kharagpur (Local) P.S by stating that on 03.07.2019 at about 6 PM she was returning from Chalk Rampal towards her house, at that time with a false statement and assurance that he is also going on that way, the accused offered his company in his bike. Later he opted for a lonely road and also tried to outrage her modesty by dragging

her in a dark field. On her shouting when some passer by started coming there, then he ran away from the place with his bike by leaving her. On this issue she has lodged the case.

INVESTIGATION

2. The investigation was started in the alleged offence against the FIR named accused person. Charge sheet was submitted under sections 341/363/354 of Indian Penal Code, 1860 (hence forth will be referred as I.P.C.) against the accused person.

THE COGNIZANCE

3. The cognizance was taken by the Ld. CJM, Paschim Medinipur and the case was transferred to the this Court for trial and disposal.

THE ACCUSATION

4. Charge against the accused person was framed under sections 341/363/354 of the Indian Penal Code and the contents of such was read over and explained to the accused person in Bengali to which he pleaded not guilty and claimed to be tried. Hence this trial was initiated.

POINTS FOR CONSIDERATION

5.(1) Whether the prosecution has been able to prove the charge beyond reasonable shadow of doubt by adducing valid and cogent evidence?

5.(2). Whether the accused person is liable to be punished under Sections 341/363/354 of the I.P.C?

:EVIDENCE ADDUCED:

6. In the instant case in order to substantiate the charges, prosecution examined the following witnesses:

PW1: Madhabi Soren.

7. The following was marked as exhibit:-

Nothing was exhibited during the prosecution evidence as the written complaint bears LTI of the complainant.

OUTCOME FROM THE EVIDENCE

8. The prosecution evidence in short is as follows:

PW1, the defacto complainant deposed that while she was returning from the market, a dispute took place with the accused and then out of grudge she has lodge the complaint.

EXAMINATION OF THE ACCUSED PERSON

9. Accused person pleaded complete innocence in his examination under section 313 of Cr.P.C. He did not provide any witness on his behalf.

ARGUMENT

10. In the argument, Ld. Defence Counsel deposed that prosecution totally failed to prove the case against the accused person. Hence, the accused person should be acquitted.

11. In reply, Ld. APP entirely left it upon the Court for the decision.

DECISION WITH REASON

12. From the evidence of the prosecution it is clear that there was some incident in between the persons involved. But they preferred to not open up before the Court as to the exact incident. Thus, after considering all I found no evidence whereby the accused person can be held guilty under section 341/363/354 of I.P.C.

13. Considering the oral and documentary evidence on record, surrounding circumstances, probabilities and improbabilities and

the prevailing laws of the land, I am in opinion that benefit of doubt stood firmly in support of the accused person and so the accused person can not be held guilty.

14. Hence, it is,

O R D E R E D

that the accused person viz **Sk. Rabul is** found not guilty of the charge u/s 341/363/354 of I.P.C. and thus he is acquitted from this case u/s 248(1) of Cr.P.C.

15. He be released at once, if not found to be in custody in connection with any other case. The Sureties are discharged.

16. There was no seized alamats in this case and so no order is required as to the disbursement of seized alamats.

17. Inform the Court Inspector, Paschim Medinipur Sadar for compliance of Rule 445 of the Police Regulation Bengal (PRB).

18. The case record be consigned to the DRR following the modalities of law.

19. Note in the TR and let the judgment be uploaded in the CIS.

[Note: The victim in this case has every right to prefer appeal under the proviso of sec.372 of Code of Criminal Procedure. And if necessary, she can also get the help of Free legal Assistance from the DLSA, Paschi Medinipur.

Note: Let a soft copy of this judgment of acquittal be forwarded to the District Magistrate, Paschim Medinipur and Secretary, DLSA, Paschim Medinipur for due intimation to the victim as defined under sec. 2(wa) of Code of Criminal Procedure.]

Typed, signed, dated and delivered in open Court by me

Sd/-

Judicial Magistrate,

3rd Court, Paschim Medinipur

Sd/- (Arpita Ghosh)

J.O. Code: WB01255

Judicial Magistrate,

3rd Court, Paschim Medinipur