

GR - Case No: 1919 of 2023 [Reg - 3010 of 2023]
CNR: WBEM0C-005564-2023

IN THE JUDICIAL MAGISTRATE, 2ND COURT, CONTAI

PRESENT : Smt. Debarati Dey
Judicial Magistrate, 2nd Court,
Contai, J.O Code (WB 01416)

Date of delivery of Judgment : 04th day of July, 2026

Case No . : G.R. - 1919 of 2023
T. R. No. : 474 of 2024

C.I.S Registration No:- GR - 3010 of 2023
CNR No. WBEMOC-005564-2023
(Details of F.I.R / Crime and Police Station)

Complainant	State of West Bengal
Represented by	Mr. Ranjan Kr. Manna, Ld. A.P.P.
Accused	1. Sukumar Jana, S/o – Late Sudhir Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur. 2. Sankar Jana, S/o – Late Mangobinda Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur. 3. Swapan Jana, S/o – Birendra Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur. 4. Ranjit Kumar Jana, S/o – Late Nityananda Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur.

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	5. Uttam Kumar Jana, S/o – Deben Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur. 6. Dilip Jana, S/o – Sankar Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur. 7. Sumit Jana, S/o – Sukumar Jana, Address – Vill. - Deuli, P.S. - Ramnagar, Dist. - Purba Medinipur.
Represented by	Sri Krishnendu Matia

Date of Offence	07.07.2023
Date of FIR	09.07.2023
Date of Charge-sheet	31.10.2023
Date of framing charges	16.06.2026
Date of commencement of evidence	04.07.2026
Date on which judgment is reserved	04.07.2026
Date of the Judgment	04.07.2026
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.PC

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1	Sukumar Jana	Surrendered	29.11.2023	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----
2	Sankar Jana	Surrendered	01.12.2023	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----
3	Swapan Jana	Surrendered	29.11.2023	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----
4	Ranjit Kumar Jana	Surrendered	29.11.2023	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----
5	Uttam Kumar Jana	Surrendered	18.04.2024	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----
6	Dilip Jana	Surrendered	27.12.2023	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----
7	Sumit Jana	Surrendered	01.12.2023	U/s 341/323/ 325/506/34 IPC	Acquitted	----	-----

List of prosecution/ defence/Court witness :

A. Prosecution:-

Rank	Name	Nature of evidence
PW-1	Kalipada Jana	De facto complainant

B. Defence witness, if any:- NIL

C. Court witness, if any:- NIL

List of prosecution/ defence/Court Exhibits:

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A. Prosecution :-

SR. No.	Exhibit no.	Description
1.	Exhibit - P-1/P.W.1	Signature of P.W.1 on the letter of complaint

B. Defence Exhibits:- NIL

C. Court Exhibits:- NIL

D. Material Objects:- NIL

JUDGMENT

1. This is a case under Sections 341/323/325/307/379/506/34 of the Indian Penal Code (hereinafter referred to as the I.P.C; for short) against the accused persons above – named.

2. Prosecution case, details apart, is that on 07.07.2023 at about 11:00 p.m. when the de facto complainant was returning home, at that time, out of previous grudge, all the accused persons restrained him with wooden batam and sharp weapons and abused him with filthy languages and when he wanted to know the reason for such, they became very angry and stated to assault him with fists and blows on various parts of his body and as a result, he fell on the ground and accused no. 1 hit him on his head with a batam with an intention to kill him and he moved his head to save him and the blow of the stick hit on his nose and he sustained bleeding injury

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on his nose and he cried for help but the accused persons kicked him and thereafter, on hearing hue and cry, local people came to the P.O. and the accused persons fled away and while fleeing, they snatched one gold chain from his neck which is valued about Rs.60,000/- and thereafter, due to the assault, he was treated at Bararankua Primary Health Centre.

3. On the basis of the said written complaint, Ramnagar P.S. Case no. 439 dated 09.07.2023 under Sections 341/323/325/307/379/506/34 of IPC was started. The case was taken up for investigation and after completion of the investigation, the accused persons were charge-sheeted under Sections 341/323/325/506/34 of IPC. Copies of all the relevant documents were furnished to the accused persons. Thereafter, they were sent up to face the trial.

4. At the time of framing charges, the materials on record highlighted existence of a prima facie case under Sections 341/323/325/506/34 of IPC and the same was read over and explained to the accused persons, to which, they pleaded not guilty and claimed to be tried.

5. In course of trial, the prosecution examined only one witness.

6. Accused persons were examined under Section 313 of Cr.P.C.

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7. No defence evidence has been adduced in this case.

8. This Court heard the oral arguments advanced by both the parties.

Points for Determination

9. Following are the points for determination :

i. Whether the prosecution has discharged its burden of proof beyond reasonable doubt as required under criminal jurisprudence?

ii. Whether the accused is entitled to benefit of doubt?

iii. Whether the evidence on record is sufficient to establish guilt of the accused person?

10. This Court went through the evidences available on record and decision and reasons thereof are discussed below:

DISCUSSION, DECISION AND REASON THEREOF :

11. In this case, prosecution has examined only one witness namely, Kalipada Jana as PW-1.

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12. PW-1 stated that he filed this case against 07 accused persons. He also stated that he did not remember anything about this case. During cross-examination, he stated that he did not know what was written in his complaint. Herein this Court would like to quote the Hon'ble Supreme Court in *Babu v. State of Kerala* (2010) 9 SCC 189, wherein the Court held that *“where a material witness turns hostile or does not support the prosecution case and there is no other reliable evidence, the accused is entitled to acquittal.”* This very evidence of the complainant is sufficient to erode the case of prosecution.

13. On appraisal of evidence on record, it appears that the prosecution was succeeded to examine one witness of this case. From the evidence on record, it appears that the de facto complainant is unable to recollect the incident, thus, the basic foundation of criminal jurisprudence seems to be destroyed. In this regard, this Court would like to refer certain judgements of the Hon'ble Supreme Court of India. In *Suraj Mal v. State (Delhi Administration)* (1979) 4 SCC 725 wherein the Court held that *“where the witness makes inconsistent statements or does not support the prosecution, his evidence becomes unreliable”*. The present case in question, P.W.1 not only failed to support the written FIR but also failed to support the prosecution case by saying he could not recollect anything.

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14. In another case, *State of Rajasthan v. Bhimraj* (1973) 3 SCC 698 where it was held that if the principal witness does not support the prosecution case and no corroboration exists then, no conviction can be sustained. In *P. Satyanarayana Murthy v. State of A.P.*, (2015) 10 SCC 152 where the Hon'ble Supreme Court held that "where the principal witness turns hostile or does not support the prosecution, conviction cannot be based unless there is legally admissible corroboration." In the present case, prosecution lacks corroboration from complainant itself.

15. The cardinal principal of criminal jurisprudence requires the prosecution to establish the case beyond reasonable doubt and it is often called "golden thread" of the criminal justice delivery system. This standard is not only a rule of evidence but also a constitutional safe guard embodied under Article 21 of the Constitution of India which ensures that no person is deprived of life or liberty except through a procedure that is fair and just.

16. The Hon'ble Supreme Court of India has consistently reinforced this in several landmark judgments. This core standard of justice delivery system is beyond reasonable doubt and the Court holds that the burden of proof rests entirely on the prosecution from beginning to the end and the accused is always presumed to be innocent until proven guilty.

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17. This Court would like to discuss *State of UP v. Krishna Gopal* AIR 1988 SC 2154 wherein the Supreme Court clarified that “*reasonable doubt is not an imaginary or trivial doubt. It must be a fair doubt based on reason and common sense.*” If the evidence is so strong that it excludes every reasonable hypothesis of innocence, the case is proved. In *Inder Singh v. State (Delhi Administration)*, AIR 1978 SC 1091 it was noted that while proof must be beyond reasonable doubt, it should not be a “fetish”. Doubts should not be born of “abstract speculation”. The Hon’ble Supreme Court in *Vijayee Singh v. State of UP*, AIR 1990 SC 1459 held that if the prosecution failed to prove its case beyond reasonable doubt, the accused is entitled to an acquittal, regardless of how suspicious their conduct might seem.

18. Therefore, prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt. Criminal jurisprudence always requires that prosecution must prove the case beyond reasonable doubt. In this regard, this Court would like to refer *Kaliram v. State of Himachal Pradesh* (1973) 2 SCC 808 whereby the Hon’ble Supreme Court held that “*if two views are possible, the one favouring the accused must be adopted.*” Given that P.W.1 does not recollect the incident and in absence of any other witness or evidence, this Court is bound to hold that prosecution has failed to discharge its burden to prove the case beyond reasonable doubt and conviction on the basis of suspicion is not warranted. In this regard, this

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Court would like to refer *Sharad Birdhichand Sarda v. State of Maharashtra* (1984) 4 SCC 116 whereby it was held that suspicion, no matter how strong cannot replace proof. In this present case, allegation remains unproved. It is also pertinent to mention here that P.W.1 i.e. de facto complainant of this case failed to know whatever is written in his letter of complaint.

19. From the above discussion, it is clear that no such ingredients as required u/s. 341 of IPC i.e. proof of intentional obstruction is not proved as no such witness stated any such fact.

20. Ingredients of Section 323 of IPC require proof of hurt and a medical or clinical foundation or ocular evidence. In the present case, none of them exists. In *Tukaram v. State of Maharashtra* (2011) 4 SCC 250, the Hon'ble Supreme Court held that "in criminal cases medical or reliable ocular evidence is essential to prove physical assault."

21. Prosecution has failed to bring enough medical proof, injury report or oral evidence of grievous hurt to substantiate accusation as per Section 325 of IPC.

22. Ingredients of Section 506 of IPC require proof of intention to cause intimidation, which is wholly absent. In *Manik Tanija v. State of Karnataka*, (2015) 7 SCC 423, wherein the Hon'ble Supreme Court held that "mere

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allegations without evidence of intentional threat causing alarm do not constitute criminal intimidation.”

23. For Section 34 of IPC, common intention can be inferred only when the primary act is proved. As per *Dukhmochan Pande v. State of Bihar* (2018) 17 SCC 425, the Hon’ble Supreme Court held that “when the main offence itself is not proved, Section 34 IPC cannot be invoked.

24. The above discussion is sufficient to give benefit of doubt to the accused persons as it was clearly stated by the Hon’ble Supreme Court judgment in *Kaliram v. State of Himachal Pradesh*, (1973) 2 SCC 808, wherein it was held that “the golden thread which runs through the wave of criminal jurisprudence is : the accused must be given benefit of doubt.” Following prosecutions evidence which is completely non-supportive, the accused persons deserve benefit of doubt.

25. It is very much evident from the aforesaid discussion that P.W.1 did not state anything incriminating against the accused person moreover he did not substantiate the prosecution case and in absence of any supporting witness, eye-witness or independent witness, accordingly, this Court is bound to hold that prosecution has failed to establish the essential ingredients of the case and thus, prosecution case fails.

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26. On the basis of above-made discussion, this Court is hereby constrained to hold the accused persons not guilty to the charge under Sections 341/323/325/506/34 of IPC. Consequently the prosecution case fails and the accused persons deserve an order of acquittal.

27. Hence, it is

Ordered

that the accused persons, namely, **Sukumar Jana, Sankar Jana, Swapan Jana, Ranjit Kumar Jana, Uttam Kumar Jana, Dilip Jana and Sumit Jana**, are found not guilty to the charge under Sections 341/323/325/506/34 of IPC and they are acquitted under Section 248(1) of the Cr.P.C.

The accused persons are hereby discharged from their bail bond/s, if any, and set at liberty forthwith. Inform the concerned Surety/ies.

Let the seized alat be disposed of in accordance with law.

Note in T.R.

Sd/-
J.M. 2nd Court, Contai.

Sd/-
(Debarati Dey)
Judicial Magistrate,
2nd Court, Contai
J.O Code (WB 01416)

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