

FORM-A

(Presided over by Sri Binod Mahato)

WBBD020000832022 	Presented on : 12-01-2022 Registered on : 12-01-2022 Decided on : 24-04-2026 Duration : 4 years, 3 months, 12 days
Present	Binod Mahato (UID No. WB00961) Chief Judicial Magistrate, Purba Bardhaman
Case No.	G.R No. 2068 of 2021 (T.R No. 04 of 2022)
CIS No.	27 of 2022
FIR Details	Dewandighi PS FIR No.70/2021 dated 23.05.2021
Date of Commission of Offence	23.05.2021
Complainant	State of West Bengal (De facto complainant: Uttam Bairagya)
Represented by	Ld. APP Mr. Soumya Chakraborty
Accused Persons	1) Ananda Bhaduri (A1), 2) Basudeb Bairagya (A2), 3) Sushanta Bag (A3), 4) Sanu Bag (A4), 5) Khokan Bairagya (A5) and 6) Arup Bag (A6)
Represented by	Ld. Advocate: Jaydip Chakraborty
Offences Complained Of	U/s. 341/342/323/325/34 of the IPC
Plea Recorded Under	U/s. 341/342/323/506/34 of the IPC

FORM-B

Date of Offence	23.05.2021
Date of FIR	23.05.2021
Date of Charge Sheet	24.06.2021

Date of Offence	23.05.2021
Date of Recording of Plea	21.04.2026
Date of Commencement of Evidence	21.04.2026
Date on which Judgment is Reserved	24.04.2026
Date of the Judgment	24.04.2026
Date of the Sentencing Order, if any	N.A., Acquittal

Rank	Name of the Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged With	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention u/s 428 Cr.P.C.
A1	Ananda Bhaduri	24.06.2021	24.06.2021	U/ s.341/342 /323/506/ 34 of the IPC	Acquitted	Nil	Nil
A2	Basudeb Bairagy	24.06.2021	24.06.2021	Do	Acquitted	Nil	Nil
A3	Sushanta Bag	24.06.2021	24.06.2021	Do	Acquitted	Nil	Nil
A4	Sanu Bag	24.06.2021	24.06.2021	Do	Acquitted	Nil	Nil
A5	Khokan Bairagya	24.06.2021	24.06.2021	Do	Acquitted	Nil	Nil

Rank	Name of the Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged With	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention u/s 428 Cr.P.C.
A6	Arup Bag	24.06.2021	24.06.2021	Do	Acquitted	Nil	Nil

J U D G M E N T

1. FIR & Police Investigation: A police case was instituted against the accused persons vide Dewandighi Police Station FIR No. 70/2021 dated 23.05.2021 under Sections 341/342/323/325/34 of the Indian Penal Code, on the basis of a written complaint lodged by Uttam Bairagya (hereinafter referred to as the victim/informant).

2. Case Summary: The victim/informant has alleged that on 23.05.2021 at about 13:00 hours, the accused persons named in the FIR came in front of his residence and, owing to previous enmity, assaulted him with fists and blows. As a result of such assault, the victim sustained injuries on his person and subsequently received medical treatment at Kurmun BPHC.

3. Police Investigation (u/s. 157 to 172 of the Cr.P.C.): After the FIR was lodged, the assigned Investigating Officer (IO) of Dewandighi Police Station conducted the investigation. During the investigation, the IO visited the place of occurrence, prepared a rough sketch map with an index, examined available witnesses under Section 161 of the Cr.P.C., and served notices under Section 41A of the Cr.P.C.

4. Final Report of Police: On 24.06.2021, after completing the investigation, the IO submitted Charge Sheet No. 48/2021, charging the accused persons under Sections 341/342/323/506/34 of the IPC. This court received the charge sheet on 12.07.2021.

5. Cognizance and Pre-Trial Proceedings: On 12.07.2021, this court took cognizance of the offences punishable under Sections 341/342/323/506/34 of the IPC. After supplying copies of documents as envisaged under Section 207 of the Cr.P.C., the case record was transferred to this court for trial.

6. Recording of Plea: On 21.04.2026, particulars of the offences punishable under Sections 341/342/323/506/34 of the IPC were read

out and explained to the accused persons as per Section 251 of the Cr.P.C., to which they pleaded not guilty and claimed to be tried.

7. Trial: The prosecution examined three witnesses in support of its case: the de facto complainant (PW-1) and charge sheet witnesses (PW-2) and (PW-3). The defence declined to adduce any evidence.

FORM-C

A. LIST OF PROSECUTION WITNESSES

Rank	Name	Nature of Evidence
P.W.-1	Uttam Bairagya	De facto complainant/Informant
P.W.-2	Sadhin Bairagya	Charge-sheet witness
P.W. -3	Nayan Bairagya	Charge-sheet witness

B. LIST OF PROSECUTION EXHIBITS

SL. No.	Exhibit No.	Description
1.	Ex. 1	Signature of the de facto complainant

8. Defence Case: The defence's case is one of denial, as is evident from the cross-examination of the prosecution witnesses and the statement of the accused persons recorded under Section 313 of the Cr.P.C. This section incorporates the principle of *audi alteram partem* —'let the other sides be heard as well'—which ensures that no person is judged without a fair hearing. It is intended for the benefit of the accused. In this case, the defence declined to adduce any evidence.

9. Points for Determination: Upon hearing the arguments and on perusal of the record, I have framed the following points for determination: (i) Did the accused persons commit offences punishable under Sections 341/342/323/506/34 of the IPC? (ii) Has the prosecution been able to prove its case beyond all reasonable doubts?

10. Discussion and Reasons for the Decision: These two points are interconnected and are therefore taken up together for consideration. The accused persons stand trial for the alleged commission of offences punishable under Sections 341/342/323/506/34 of the Indian Penal Code.

11. The prosecution case primarily rests upon the testimony of the de facto complainant (PW-1). However, upon careful scrutiny of his

deposition, it transpires that PW-1 has substantially deviated from the version as set out in the First Information Report. Though he identified the accused persons in Court, he categorically stated that the case arose out of a misunderstanding. More importantly, during cross-examination, PW-1 failed to recall the contents of the FIR and unequivocally deposed that he no longer has any grievance against the accused persons.

In terms of the settled principles of the law of evidence, oral evidence must be direct and trustworthy to establish facts in issue, and the burden lies upon the prosecution to prove its case beyond reasonable doubt. The testimony of PW-1, being inconsistent with the prosecution case, fails to inspire confidence and does not advance the prosecution story.

12. PW-2 and PW-3, who are charge-sheeted witnesses, also did not support the prosecution case. Both witnesses stated that the dispute between the parties arose due to a misunderstanding and has since been amicably resolved. Their testimonies do not corroborate the allegations of wrongful restraint, wrongful confinement, hurt, or criminal intimidation, as alleged in the charge.

It is well settled that while the number of witnesses is immaterial, the quality of evidence is paramount. In the present case, the material witnesses have not only failed to corroborate the prosecution version but have also weakened it by attributing the incident to a misunderstanding.

13. The learned defence counsel has rightly contended that the prosecution has failed to discharge its burden of proof. The substratum of the prosecution case has collapsed in view of the hostile or non-supportive stance of PW-1 to PW-3. There is no independent corroboration, medical evidence of a conclusive nature linking the accused with the alleged offences, or any other incriminating material on record.

In criminal jurisprudence, the burden under Sections 101 and 102 of the law of evidence lies squarely upon the prosecution, and unless such burden is discharged, the accused is entitled to the benefit of doubt.

14. The Hon'ble Supreme Court in *Satish Mehra vs. Delhi Administration & Anr.*, (1996) 9 SCC 766, has observed that where there is no reasonable prospect of conviction, the Court should not prolong the trial merely for the sake of completing procedural formalities. The present case is a clear instance where the continuation of trial would serve no fruitful purpose.

15. From the evidence on record, it is manifest that the parties have amicably settled their dispute outside the Court. The de facto complainant himself has admitted that the case was instituted due to a misunderstanding and that he no longer wishes to pursue the matter. Such conduct of the complainant is a relevant circumstance under the law of evidence, as subsequent conduct may be taken into account while appreciating the truthfulness of the allegations.

The absence of any subsisting grievance and the complete lack of supporting evidence render the prosecution case wholly unreliable.

16. It is true that in *Ram Lal v. State of J&K* (1999) 2 SCC 213, the Hon'ble Supreme Court held that non-compoundable offences cannot be compounded even with the permission of the Court. However, it is equally settled that a compromise between the parties can be taken into consideration while appreciating evidence and determining whether the prosecution has succeeded in proving its case.

17. Upon an overall appreciation of the evidence on record, this Court finds that the principal witness (PW-1) has not supported the prosecution case; the other material witnesses (PW-2 and PW-3) have also failed to corroborate the allegations; the case appears to have arisen out of a misunderstanding that has since been resolved; and there is a complete absence of reliable and cogent evidence establishing the guilt of the accused persons. In view of the above, this Court is of the considered opinion that the prosecution has failed to prove the charges against the accused persons beyond reasonable doubt. Accordingly, the accused are entitled to the benefit of doubt.

18. Hence, it is ORDERED that the accused persons, namely 1) Ananda Bhaduri (A1), 2) Basudeb Bairagya (A2), 3) Sushanta Bag (A3), 4) Sanu Bag (A4), 5) Khokan Bairagya (A5) and 6) Arup Bag (A6), are found not guilty of the offences punishable under Sections 341/342/323/506/34 of the Indian Penal Code, 1860, and are accordingly **acquitted** under Section 255(1) of the Code of Criminal Procedure, 1973.

19. The accused persons shall be set at liberty forthwith.

20. Their bail bonds shall remain in force for six months starting today, as per Section 437A of the Cr.P.C.

21. The accused persons are directed to appear before the higher court if notified of any appeal or petition filed against this judgement.

22. This judgement is signed, sealed, and delivered in open court in the presence of both parties on this 24th day of April 2026.

23. In compliance with the order dated 29.03.2022, passed by the Hon'ble Division Bench, Calcutta High Court, in CRA 266 of 2020 (*Sabitri Bhunya v. The State of West Bengal & others*), a copy of this judgement shall be forwarded to the District Magistrate, Purba Bardhaman, and the DLSA, Purba Bardhaman, for due intimation to the victim as defined under Section 2(ya) of the Code of Criminal Procedure.

24. As no property was seized during the investigation, no order is passed for its disposal.

25. The PA-cum-Stenographer is directed to upload a soft copy of the judgement to the CIS in PDF/A format within 48 hours.

26. The Bench Assistants are instructed to note the disposal in the concerned Registers/Lists.

27. The case is disposed of accordingly.

Dictated and corrected by me,

(Binod Mahato)

Chief Judicial Magistrate,

Purba Bardhaman