

Form No.(M)34

In The Court of Additional Chief Judicial Magistrate

Mekhliganj, Coochbehar.

Present: Smt. Nilanjana Bandyopadhyay (J.O. Code: WB01322)

Additional Chief Judicial Magistrate

Mekhliganj, Coochbehar.

Date of Judgment:- 25th day of September, 2025

GR – 406/2022

CIS Reg. No. 406/2022

CNR No. WBCB0H000513-2022

(Details of FIR/Crime and Police Station)

Complainant	State of West Bengal De facto complainant- Gopinath Roy, S/o. Mahadeb Roy, Resident of 106 Baro Kuchlibari [Chhit], PS. Kuchlibari, Dist.Coochbehar.
Represented by	Sri. Dinonath Mohanta, Ld. A.P.P.
Accused	1) Sailen Roy, S/o. Mahadeb Roy, 2) Jagabandhu Roy, S/o. Anath Roy, 3) Binay Roy, S/o. Anath Roy, All are residing at 106 Baro Kuchlibari [Chhit], PS. Kuchlibari, Dist.Coochbehar.
Represented by	Sri Pradip BiswasLd. Advocate of Mekhliganj Bar Association.

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Date of Offence	04.06.2022
Date of FIR	04.06.2022 vide Kuchlibari P.S. case No. 68/2022, u/s. 506/448/323/325/34 of I.P.C.
Date of Charge sheet	15.08.2022 vide. No.82/2022, u/s. 506/448/323/34 of I.P.C.
Date of recording Charge	05.08.2024 for the offence punishable u/s. 448/323/325/506/34 of I.P.C.
Date of commencement of Evidence	16.01.2025
Date on which Judgment is reserved	N.A.
Date of Judgment	25.09.2025
Date of the Sentencing Order, if any	N.A.

Accused details

Name of Accused	Date of arrest/ surrender	Date of release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of Section 428, Cr.P.C.
Sailen Roy	22-08-2022	22-08-2022	448/323/325/506/34 of the Indian Penal Code	Acquitted	N.A.	N.A.
Jagabandu Roy	22-08-2022	22-08-2022	448/323/325/506/34 of the Indian Penal Code	Acquitted	N.A.	N.A.

Binay Roy	22-08-2022	22-08-2022	448/323/325/506/34 of the Indian Penal Code	Acquitted	N.A.	N.A.
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LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Gopinath Roy	De facto complainant-cum-victim (C.S.W-1)

B. Defence witnesses if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	N.A.

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	N.A.

LIST OF PROSECUTION / DEFENSE / COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
1.	P-1	Written Complaint
2.	P - 1/1	Signature of P.W.1 on Written Complaint

B. Defence:

Sl. No.	Exhibit Number	Description
	NIL	N.A.

C. Court Exhibits:

Sl. No.	Exhibit Number	Description
	NIL	N.A.

D. Material Objects:

Sl. No.	Material Object Number	Description
	NIL	N.A.

JUDGEMENT

This is a case under section 448/323/325/506/34 of the Indian Penal Code.

Prosecution case in nutshell is that on 04-01-2022 at about 09:00/9:30 A.M. all the accused persons namely, Sailen Roy, Jagabandhu Roy and Binay Roy in collusion illegally entered the Complainant's house with sticks in their hands and severely beat the Complainant. Then accused Sailen Roy aimed at the Complainant's head and hit him with a stick, causing injury to the Complainant's left eye and by grabbing his throat and punching him in the nose, causing bleeding injury to his nose. Then also all the accused persons assaulted him physically. On hearing hue and cry local people came to the spot and rescued him then the accused persons fled away therefrom. Hence, this case.

Incident was reported to police by De facto Complainant, namely, Gopinath Roy on the basis of which instant police case was initiated against three accused persons namely, Sailen Roy, Jagabandhu Roy and Binay Roy.

After completion of investigation, charge sheet was submitted under section 506/448/323/34 of the Indian Penal Code against three FIR named accused. After taking cognizance by Ld. A.C.J.M., Mekhliganj and

after serving copy, case was transferred to the A.C.J.M. Court, Mekhliganj for trial and disposal.

Charge hearing was taken under section 240 of Cr.P.C. by the Court against all the accused persons for the offence punishable under section 448/323/325/506/34 of the Indian Penal Code. Substance of accusation was read over and explained to the accused to which they pleaded not guilty and claimed to be tried. Hence, this trial.

After closing of prosecution evidence, accused persons were examined under section 313 of Cr.P.C. wherein the accused claimed themselves as innocent and declined to adduce defence witness.

Points for Determination

Given my anxious consideration on the fact of prosecution case and the defence case as is appeared from the trend of cross-examination and examination of the accused u/s. 313 of Cr.P.C., following points for determination are made out:

1. Are the accused guilty of committing offence punishable u/s. 448/323/325/506/34 of the Indian Penal Code ?
2. If found guilty, what will be the quantum of punishment ?

Decision with Reasons

Learned A.P.P in his argument advanced that the prosecution has been able to produce the prime witness i.e., De facto Complainant-cum-Victim i.e. [P.W.1] as witness to prove the case, and in his evidence he corroborated the fact to some extent. Ld. A.P.P. has prayed to adjudge the case on the basis of evidence as adduced by the prosecution.

Ld. Defence Counsel argued that the prosecution has failed to bring the charge to home against the accused persons. It is argued that prosecution has failed to bring on record any corroborative evidence. It is further argued that accused persons are falsely implicated in the case and are liable to be acquitted.

Before reaching to any conclusion let us scan the evidence.

In this case prosecution has brought De facto complainant [P.W.1] who is the Complainant-cum-Victim and in his examination-in-chief he stated that about 3 years ago at about 08:00 a.m. at his house one altercation took place in between P.W.1 and the accused persons regarding some demarcation of property issue which was followed by pushing and shoving. P.W.1 also stated that at the time of the incident he sustained mild injury.

In his cross-examination P.W.1 admitted that he had previous land dispute which has been settled in between him and his brothers and he sustained injury as he has fallen down. P.W.1 also admitted that he has no grievances against the accused persons. So, this kind of admission actually diminishes the credibility of the witness.

It appears that only De facto Complainant is brought on record by the prosecution to corroborate the case. Thus, upon considering evidence of P.W.1 on record, the Court has no hesitation to hold that the Prosecution has miserably failed to prove the case. Evidence on record is not enough to reach any affirmative decision in favour of the prosecution. In my considered opinion prosecution has failed to bring home the charge against the accused persons.

Accordingly, accused are found not guilty and are liable to be acquitted.

Hence, it is

ORDERED

that the accused persons namely, Sailen Roy, Jagabandhu Roy and Binay Roy are found not guilty for the offence punishable under section 448/323/325/506/34 of the Indian Penal Code and are hereby acquitted under section 248(1) of the Code of Criminal Procedure.

Sureties are discharged from their respective liabilities.

Accused be set at liberty.

In view of the solemn order of the Hon'ble High Court at Calcutta passed in CRA 266 of 2020 with CRAN 1 of 2020 copy of this Judgment be sent to the District Magistrate and the Secretary, District Legal Services

Authorities, Coochbehar for due intimation to the Complainant / Victim regarding his right to prefer an appeal and if necessary, to avail free legal assistance through the Legal Services Authority concerned.

Dealing Assistant is directed to do the needful.

Dealing Assistant is further directed to make a note on the relevant registers and C.I.S.

Dictated & Corrected by me

Sd/-
Addl. Chief Judicial Magistrate,
Mekhliganj, Coochbehar

Sd/- (*Nilanjana Bandyopadhyay*)
Addl. Chief Judicial Magistrate,
Mekhliganj, Coochbehar