

GR CASE NO. 456-2022
CIS GR CASE NO. 456-2022
State of West Bengal Vs. Biswajit Mohanta and Two Others
Under Section 447/341/323/354/506/34 of Indian Penal Code
FORM A

IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DINHATA, COOCH BEHAR Present: Smt. Dewyani Rai Additional Chief Judicial Magistrate, Dinhata, Cooch Behar JO Code No. WB 01175 [Dated : 03.06.2026] GR CASE NO. 456-2022 CIS GR CASE NO. 456-2022 (Dinhata P.S Case No. 410/2022 Dated 24.08.2022)	
Complainant	State Of West Bengal
Represented by	Sanjay Barman, Ld. APP
Accused	01. Biswajit Mohanta @ Swajal, 02. Kanti Mohanta and 03. Laxmi Mohanta
Represented by	Mijanur Rahaman, Ld. Advocate

FORM B

Date Of Offence	On 24.08.2022
Date of FIR	24.08.2022
Date of Charge Sheet	29.09.2022
Date Of Framing Charge	03.04.2025
Date of Commencement of Evidence	05.06.2025
Date on which Judgement is reserved	20.05.2026
Date of Judgement	03.06.2026
Date of the sentencing order, if any	NA

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Under Section 447/341/323/354/506/34 of Indian Penal Code

Rank and Name of the Accused Person	Date of Arrest	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 CrPc
01. Biswajit Mohanta @ Swajal, 02. Kanti Mohanta and 03. Laxmi Mohanta	07.09.2022	07.09.2022	Under Section 447/341/323 /354/506/34 of Indian Penal Code	Acquitted	NA	NA

FORM C

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESSES)
PW-1	Parbati Modak	Complainant
PW-2	Gopal Modak	Husband of complainant
PW-3	Rabiul Hossain	Independent witness
PW-4	Manik Barman	Independent witness
PW-5	Paresh Barman	Independent witness

B. Defence witnesses, if any : NA

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Serial Number	Exhibit Number	Description
01.	Exhibit 1	Signature of PW1 on the written complaint

B. Defence : NA

C. Court Exhibits : NA

D. Material Objects : NA

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
DINHATA, COOCH BEHAR

PRESENT : Smt. DEWYANI RAI.

Additional Chief Judicial Magistrate, Dinhata, Cooch Behar.

G.R CASE No. 456-2022

Registration No: GR CASE No. 456-2022

CNR No. WBCB07-000893-2022

Name of the parties :

STATE OF WEST BENGAL

VERSUS

01. Biswajit Mohanta @ Swajal,

02. Kanti Mohanta and

03. Laxmi Mohanta Accused Persons

Under Section 447/341/323/354/506/34 of Indian Penal Code

Judgment delivered on the 03rd day of June, 2026.

JUDGMENT

This is a case Under Section 447/341/323/354/427/506/34 of Indian Penal Code. The accused persons are booked Under Section 447/341/323/354/506/34 of Indian Penal Code.

Prosecution story in a nut shell:

The prosecution case, details apart is that, one Parbati Modak filed a written complaint to the effect that, on 24.08.2022 at about 12.00 PM at the bank of the paddy field the accused persons restrained her and assaulted her with fist and blow. When her husband came to her rescue, the accused persons hit him with fist and blow because of which he sustained injury and swelling all over his body. The accused persons uprooted the saplings of the paddy field because of which they suffered a damage to the tune of Rs. 7,000/-. Hence, this case.

Purports of the proceedings:

On the basis of the said information, the Dinhata P.S case no. 410 of 2022, dated 24.08.2022 was initiated under Section 447/341/323/354/427/506/34 of Indian Penal Code and the investigation was endorsed to A.S.I of Police, Pintu Das.

During the investigation the I.O has done the needful and on the completion of the investigation he has submitted charge-sheet U/S 447/341/323/354/506/34 of Indian Penal Code of which the cognizance was taken and copy served to the accused persons U/s 207 Cr.P.C. Thereafter the trial began.

On 03.04.2025 the case record was taken up for framing of the charge. The substance of the offence Under Section 447/341/323/354/506/34 of Indian Penal Code, was read over and explained to the accused persons to which each of them pleaded 'not guilty' and claimed to be tried under the procedure established by law.

Then on 09.06.2025 one Parbati Modak was examined as PW-1 and Gopal Modak was examined as PW-2. Then on 10.06.2025 Rabiul Hossain was examined as PW-3, Manik Barman was examined as PW-4 and Paresh Barman was examined as PW-5. Thereafter, the evidence for the prosecution was closed, on the consent of Ld. A.P.P.

The examination of the accused persons U/s 313 CrPC were taken on 07.05.2026. The accused persons claimed to be innocent and denied all the allegations. The accused persons declined to adduce defence witness.

The accused persons declined to produce any evidence in their behalf. No DWS have been adduced by the accused persons. The defence story had only been the total denial of the prosecution story.

POINTS FOR DETERMINATION

- * Whether the accused persons are guilty of any offences as alleged in the charge sheet?

- * Whether the prosecution has been able to prove its case ?

I have heard the oral argument advanced by both the parties. I have also gone through the evidences available on record. My decision and reasons for my judgment are discussed below.

DECISION

POINT NO. 1 AND 2:

In this case, the issues are taken together for the sake of convenience and brevity of discussion.

The accused persons have been charged with the offence of committing criminal trespass, wrongful restrain, hurt to the complainant and her husband, outraging the modesty of the complainant and criminal intimidation.

It is pertinent to mention at the very outset that, the whole prosecution case rides on the testimony of the interested witnesses who are the de-facto complainant and her husband who is also a victim in this case.

PW-3, PW-4 and PW-5 are the co-villagers of the accused persons and also the de-facto complainant. They have not stated a single incriminating substance against the accused persons.

The accused persons have been alleged to have trespassed into the paddy field of the complainant as it appears from the FIR and the deposition of PW-1 and PW-2. But unfortunately for the prosecution no documents have been produced by the investigating agency or the prosecution side to establish the ownership of the de-facto complainant or her husband over the paddy field. Trespass occurs when a person enters the land of another either owned or possessed by such person illegally or having entered legally commits an offence upon such property. In this case the prosecution fails to establish the ownership of the de-facto complainant and even it were to be assumed that, the accused persons committed an offence, could it be established that it was a trespass against the de-facto complainant.

Having failed to establish the ownership and possession of the de-facto upon the place of occurrence, which is the paddy field the Court fails to find that the offence of trespass has been established.

Now, the de-facto, PW-1 has alleged in her deposition that the accused persons dragged her by the hair, pushed her into the muddy water, tugged in her wearing apparels and tearing it apart, outraged her modesty. This fact has been asserted by PW-2 in his deposition. But we have to ponder that these facts are not reflected in the FIR lodged by the complainant. It is an established principle of law of evidence that, FIR is not a cogent piece of evidence but nevertheless, it's evidentiary value cannot be negated. FIR become substantial for corroboration and contradiction of evidence on record. In this case the FIR is in contradiction with the deposition made by PW-1 and PW-2. As already noted no other witnesses stated anything though both PW-1 and PW-2 have stated that the local villagers came to their rescue and tried to take them to the hospital. No torn clothes was seized by the investigating agency or produced by the de-facto.

This Court fails to find any element of offence of outrage of modesty of the complainant being established.

A person is said to have committed the offence of hurt if he/she causes bodily pain, infirmity and disease to such person. In this case both PW-1 and PW-2 have stated that the accused persons assaulted them with fist and blow and both had swellings and pain all over the body. PW-1 has stated that they were treated by a local doctor and PW-2 has stated that he was given preliminary treatment. Unfortunately, no medical papers of either the de-facto or the victim husband have been produced by the prosecution. This is important because the victims claim to have been treated by doctor, so, it is but natural to have a medical paper after treatment. Lack of medical paper shows that either the witnesses has made a false statement or the investigating agency defaulted in making a proper investigation.

The accused persons have also been alleged to have wrongfully restrained the complainant. A person is guilty of causing wrongful restraint if, he prohibits a person from going in a direction towards which he is legally entitled to go. In this case it is only the complainant and the victim and there is nothing on record to show that the accused persons had restrained the complainant.

Hence, finding no cogent evidence the Court finds that the offence u/s. 341 IPC has not been established.

There is not even a single scrap evidence to support the prosecution case. Not a single evidence has come in favour of the Prosecution, which can incriminate the accused persons.

Considering these facts and the evidence on record, this Court is constrained to hold the accused not guilty as alleged as there is no dint of evidence against the accused persons. The Prosecution has failed to prove the case beyond reasonable doubt.

Hence, it is,

ORDERED

that the present accused persons, 01. Biswajit Mohanta @ Swajal, 02. Kanti Mohanta and 03. Laxmi Mohanta are found to be not guilty of the offences Under Section 447/341/323/354/506/34 of Indian Penal Code and are hereby acquitted u/s 248(1) of Code of Criminal Procedure from the aforesaid charges.

The concerned sureties are discharged from their liabilities. Inform the concerned sureties.

The accused persons be released from the bail bonds.

Let a copy of this judgement be forwarded to DLSA, Dinhata for due intimation to the victim under section 2 (wa) of Code of Criminal Procedure.

Let a copy of Ordering portion of the judgement be forwarded to the Learned APP in charge of this case, for the purpose of dispose of the Case Diary as per Law.

Let the copy of the ordering portion of the judgement be forwarded to the General Registrar of Offences (G.R.O), Dinhata for making necessary noting in the General Register of Offences and drawing up final Memo.

Note in the T.R

Typed by me

Additional Chief Judicial Magistrate
Dinhata, Cooch Behar
WBO1175

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Additional Chief Judicial Magistrate
Dinhata, Cooch Behar
WBO1175