

FORM A

In the Court of the Ld. Judicial Magistrate, 3rd Court, Sadar Cooch Behar.

**Present: SMT. RITWIK MOHANTA, JUDICIAL MAGISTRATE
3rd COURT, SADAR, COOCH BEHAR
(J.O CODE – WB 01342)**

Date of Judgment – 6th Day of April, 2026

G.R. Case No. – 322 OF 2022 (Regd No. 107/22)

Details of FIR/Crime and Police Station :-

Pundibari P.S Cooch Behar Case/FIR No. – 108/22 Dated 07.03.2022 u/s 341/323/325/354/379/506/34 of I.P.C.

Complainant

Sonali Das

REPRESENTED BY

ASSISTANT PUBLIC PROSECUTOR

ACCUSED

- A1. Ghane Koiri.**
- A2. Bishal Bin.**
- A3. Anita Singh.**

REPRESENTED BY

Ld. Advocate Ranjit Bhattacharjee

FORM B

DATE OF OFFENCE	07.03.2022
DATE OF FIR	07.03.2022
DATE OF CHARGE SHEET	31.03.2022
DATE OF FRAMING OF CHARGES	25.07.2024.
DATE OF COMMENCEMENT OF EVIDENCE	08.04.2025.
DATE ON WHICH JUDGMENT IS RESERVED	N.A
DATE OF THE JUDGMENT	06.04.2026.
DATE OF THE SENTENCING ORDER, IF ANY	N.A

ACCUSED DETAILS

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on bail (anticipatory)	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention undergone during trial for purpose of section-428 Cr.p.c
Accused No-1.	Ghane Koiri.	surrendered	18.06.2022	U/S. 341/323/354/506/34 OF I.P.C	THE ACCUSED PERSONS ARE ACQUITTED	N.A	N.A
Accused No-2.	Bishal Bin						
Accused No-3.	Anita Singh						

FORM C

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)
PW-1	Sonali Das	De-facto Complainant
PW-2	Subhankar Das	son of the de-facto Complainant
PW-3	Sonali Das	Other witness
PW-4	ASI Pulak Ghosh	IO of this case.

B. DEFENCE WITNESSES IF ANY:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,EXPERT WITNESS,MEDICAL WITNESS,PANCH WITNESS,OTHER WITNESS)
DW1	NA	NA

C. COURT WITNESSES IF ANY:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,EXPERT WITNESS,MEDICAL WITNESS,PANCH WITNESS,OTHER WITNESS)
CW1	N.A	NA

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION EXHIBITS

Sr. no	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit-P-1/PW-1	Signature of PW 1 on the written Complaint
2.	Exhibit-P-2/PW-4	Endorsement on the written complaint
3.	Exhibit-P-3/PW-4.	Formal FIR along with signature and seal
4.	Exhibit-P-4series/PW-4	Rough sketch map along with index and signature

B. DEFENCE EXHIBITS

Sr. no	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit-D-1/DW1	NA

C. COURT EXHIBITS

Sr. no	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit-C-1/CW1	NA

D. MATERIAL EXHIBITS

Sr. no	MATERIAL OBJECT NUMBER	DESCRIPTION
1.	Mat-I	NA



J U D G M E N T

The present accused persons are prosecuted over the allegation of one Sonali Das that on 07.03.2022 at around 4P.M , the accused persons in furtherance of their common intention restrained her and her son and assaulted them mercilessly . Not only that they outraged her modesty and threatened them to dire consequences.

After initiation of one Pundibari P.S case , the case was endorsed for investigation. Charge sheet was submitted by the I.O against the accused persons. Subsequently, cognizance was taken by the Ld. C.J.M., Coochbehar and after that the case was transferred to this Court by the order of the Ld. C.J.M., Coochbehar for trial. The accused persons hearing the sum and substance of allegation against them vehemently remonstrated the same and pleaded innocence and accordingly the court fixed the case for trial.

The effort of prosecution has been shown throughout the entire trial. This is the reason why it has adduced four witnesses.

After closure of evidence from prosecution side, the accused persons again were examined under Section 313 of Cr.P.C where they again stated that they were not guilty and they would not adduce any evidence on their behalf.

Points for considerations are :

- 1)** Whether the accused persons are guilty or not.
- 2)** Whether the prosecution has succeeded in proving the case.

DECISION WITH REASONS

Since both the points for consideration are interlinked they are taken up together for determination.

The prosecution has primarily made the allegation that the victim was brutally assaulted by the accused persons. The victim of this case namely Subhankar Das while deposing as PW2 has advanced some facts of affairs in corroboration of the hurt. In fact the defence has also not denied the injury upon the victim. It is their only plea that the accused persons are nowhere involved in committing such hurt. The victim of this case has stated on dock that the accused persons came in front of his house and started to abuse him. The witness further warranted that on his protest to the abuse, the accused profusely hit him as a result of which he sustained bleeding injury on his nose.

The victim is the best witness of the incident of assault. However, one thing is clouding my mind about the mens rea and participation of each of the accused persons in assaulting the victim. The reason behind the assault has never been highlighted by the prosecution. Moreover, if all the accused persons assaulted the victim so brutally then the victim should be fighting for life. I am not denying the hurt of the victim. I am also in sympathy with him. Even that I am to say that the participation of each of the accused has never been come forth. Who made the brutal blow has never been disclosed by the victim. Besides, apart from the statement of the defacto complainant, no other witness has supported the version of the victim. Be it mentioned herein that the de-facto complainant is not an ocular witness, so her hearsay evidence has no leg to stand to book the accused with the allegation of prosecution. The IO has shown his prompt investigation but his disclosure during his cross-examination compelled me to infer the stereo-type nonchalant investigation in this case. Besides, no whisper has ever been made regarding the outrage of modesty of the female victim.

Summing up the above stated facts, I am of the opinion that the prosecution has miserably failed to prove that the accused persons are guilty in the commission of the offence with which they are charged with beyond all reasonable doubts.

For the reasons assigned here in before, the prosecution case fails. The accused persons deserve to be acquitted from this case.

Hence, it is,

ORDERED

that the accused persons namely **Ghane Koiri, Bishal Bin and Anita Singh** are found **not guilty** for the offence punishable under section **341/323/354/506/34**

of the Indian Penal Code and they are **acquitted** from this case u/s 248(1) of the Criminal Procedure Code.

The accused persons will be released from their bail bonds after appeal period be over.

Note it in the relevant register.

Dictated and Corrected by me,

(SMT. RITWIK MOHANTA)
Judicial Magistrate, 3rd Court,
Sadar, Cooch Behar

(SMT. RITWIK MOHANTA)
Judicial Magistrate, 3rd Court,
Sadar, Cooch Behar.