

FORM - A

<u>District-South 24 Parganas</u> IN THE COURT OF THE JUDICIAL MAGISTRATE 2ND COURT, DIAMOND HARBOUR. Present: S m t . P R I Y A N K A Z I M B A , W B J S (W B 0 1 2 9 3) Judicial Magistrate 2nd Court, Diamond Harbour. <u>Date of delivery of Judgment:- Friday, 28-03-2025</u> CASE NUMBER: <u>(Raidighi P.S case No. 302/22 dated 17.06.2022 Under Section</u> <u>341/325/354/506/34 of Indian Penal Code)</u> <u>GR CASE NO. 1886/2022</u> <u>CIS No. 1886/2022</u> <u>CNR No-WBSP14-003051-2022</u>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Ld. A.P.P., Sri Ajijur Rahaman.
ACCUSED	(A/1) Rafik Mondal, (A/2) Jahiruddin Mondal, (A/3) Raichuddin Mondal.
REPRESENTED BY	Sri. Ashoke Kr. Mondal, Advocate Diamond Harbour Criminal Bar Association.

FORM - B

Date of offence	17.06.2022
Date of FIR	17.06.2022
Date of Charge-Sheet	28.06.2022
Date of Framing of Charges	28.03.2025
Date of commencement of Evidence	28.03.2025
Date on which Judgement is reserved	-----
Date of Judgement	28.03.2025
Date of the Sentencing Order, if any	Acquitted

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 of Cr.PC
A/1	Rafik Mondal	27.06.2022	27.06.2022	341/ 325/ 354/ 506/ 34 IPC	Acquitted	N/A	N/A
A/2	Jahiruddin Mondal	Do	Do	Do	Do	Do	Do
A/3	Raichuddin Mondal	Do	Do	Do	Do	Do	Do

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	Anjumonowara Mondal	Defacto complainant
PW-2	Sakil Mondal	Victim

B. Defence Witnesses, if any: NIL

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

C. Court Witnesses, if any:NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, OTHER WITNESS)
CW1		

**LIST OF PROSECUTION/DEFENCE/COURT
EXHIBITS:**

A. Prosecution Exhibits:

Sl. No.	Exhibit Number	Description
1.	Exbt.P-1.	Signature of defacto complainant

B. Defence Exhibits:NIL

Sl. No.	Exhibit Number	Description
1.	Exbt.D-1.	

C. Court Exhibits:NIL

Sl. No.	Exhibit Number	Description
1.	Exbt.C-1.	

D. Material Objects:NIL

Sl. No.	Exhibit Number	Description
1.	MO 1	

J U D G E M E N T

Factual Matrix:-

The instant case is under section 341/325/354/506/34 of the Indian Penal Code. This case was initiated on the basis of

complaint lodged by Anjumonowara Mondal before Raidighi P.S. stating that on 17.06.2022 at about 6 am, the accused persons came and restrained her. When she raised objection they assaulted her with fists and blows and bamboo and also outraged her modesty and ransacked her house. When her son came to her rescue they also assaulted him.

Hence the case.

Ultimately, FIR was lodged and on receipt of the same Raidighi PS Case No. 302/22 dated 17.06.2022 was started under section 341/325/354/506/34 of IPC.

One Santanu Karati S.I. of Police, Raidighi P.S investigated the matter and submitted Charge Sheet being no. 291/22 for commission of offense punishable U/S 341/325/354/506/34 of I.P.C against the aforesaid accused persons.

The accused persons being enlarged on bail and having been supplied with copies as per provision of section 207 of Cr.P.C, the case record was received from the Court of Ld ACJM, DDH for disposal.

Later on charge is framed for commission of offence punishable u/s 341/325/354/506/34 IPC and contents of the said charges were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

Hence, the trial began.

To support the case, prosecution has adduced witnesses viz., ocular as well as documentary whose details are given in the prescribed schedule of the judgement.

After completion of evidence for the prosecution, accused persons are examined under section 313 of Cr.P.C and their statements are recorded in separate sheet where they have denied the case of prosecution and refused to adduce any evidence.

Points for Consideration

- a) Has the prosecution able to prove their case against the accused persons beyond reasonable doubt?
- b) Are the accused persons guilty of the offence punishable under section 341/325/354/506/34 of I.P.C?

Heard the argument as advanced on behalf of the prosecution as well as for the defence.

Decisions With Reasons

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

Defacto complainant cum victim has deposed as PW 1. During her evidence in chief she has stated that she filed this case because of hot altercation with the accused persons.

The PW 2 Sakil Mondal is another victim and also the son of the defacto complainant. In his evidence PW 2 stated that the defacto complainant filed this case because of family dispute. He also stated that the accused persons are his uncle.

No other witnesses have been examined from the side of the Prosecution.

From the evidence of PW 1 & 2 it is found that the defacto complainant has not corroborated with the written complaint. The contents of FIR has also not been proved and the defacto complainant herself stated in her examination that she filed this case because of hot altercation with the accused persons. Even the victim has only depose about a family dispute. Both the PW 1 & 2 chose not to state anything about the incident.

As such, the prosecution has failed to bring home any evidence that the accused persons have committed the offence with which they have been charged with, whereby the prosecution failed to constitute the offences, including the ingredients of such offences as demanded by Indian Penal Code.

All the points are thus answered in the negative.

In the result prosecution case fails and the accused persons merit acquittal.

Hence, it is

ORDERED

That the accused persons namely (A/1) Rafik Mondal, (A/2) Jahiruddin Mondal, (A/3) Raichuddin Mondal are found not guilty of committing the offences punishable under section 341/325/354/506/34 of I.P.C and they are hereby acquitted under section 248(1) of Cr.P.C and discharge from their respective bail bonds.

The victim has right to prefer appeal against this judgement under the proviso of section 372 of Criminal

Procedure Code and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

The copy of the judgement be forwarded to the District Magistrate South 24 Parganas and DLSA South 24 Parganas for due intimation to the victim.

The case is thus disposed of.

Dict. & Corrected

JM 2nd Court DDH.

JM 2nd Court DDH.
(JO Code: WB01293)