

WBSP170013842022



JO CODE No. WB01068

In Court of Additional Chief Judicial Magistrate -cum- Civil Judge ,(Senior Division), Kakdwip, South 24 Parganas.

**Present:- Smt. Sumana Garain,
Additional Chief Judicial Magistrate
-cum-
Civil Judge (Senior Division),
Kakdwip, South 24 Parganas**

Date of Judgment : 31.07.2025

G R Case No. 1940 of 2022

Trial No. 172/2023

CIS No. 1940 of 2022

Details of FIR/ Crime and Police station

Complainant	State of West Bengal
Represented by	Ld. A.P.P.
Accused	1. Debasish Das 2. Raju Das 3. Jyotish Chandra Das 4. Sampa Jana 5. Sujata Das 6. Lakhikanta Das
Represented by	Chanchal Panda

Date of offence	12.08.2022
Date of FIR	14.08.2022
Date of Charge sheet	29.08.2022
Date of commencement of Evidence	31.07.2025
Date on which judgment is reserved	NIL
Date of judgment	31.07.2025
Date of sentencing order, if any	N.A.

Accused details

Rank of the accused	Name of the 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 CrPC
1.	Debasish Das		17.08.22	447/188//506/34	Acquitted	N.A.	N.A.
2.	Raju Das		17.08.22	447/188//506/34	Acquitted	N.A.	N.A.
3.	Jyotish Chandra Das		17.08.22	447/188//506/34	Acquitted	N.A.	N.A.
4.	Sampa Jana		17.08.22	447/188//506/34	Acquitted	N.A.	N.A.
5.	Sujata Das		17.08.22	447/188//506/34	Acquitted	N.A.	N.A.
6.	Lakhikanta Das		28.09.22	447/188//506/34	Acquitted	N.A.	N.A.

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

Rank	Name	Nature of evidence Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witnesses
1.	Brajendranath Mal	De facto complainant
2.	Dipak Kumar Das	Other witness
3.	Manas Kumar Jana	Other witness

B. Defence witnesses, if any : NIL

Rank	Name	Nature of evidence Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witnesses

C. Court witnesses, if any : NIL

Rank	Name	Nature of evidence Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witnesses

List of prosecution/defence/court exhibits : **NIL**

A. Prosecution

Sr. No.	Exhibit No.	Description
1	1	Signature of PW1 on written complaint

B. Defence

Sr. No.	Exhibit No.	Description

C. Court exhibits : NIL

Sr. No.	Exhibit No.	Description

D. Materials objects : NIL

Sr. No.	Exhibit No.	Description

J U D G M E N T

FACTS OF THE CASE

The accused persons namely Debasish Das, Raju Das, Jyotish Chandra Das, Sampa Jana, Sujata Das and Lakhikanta Das are being tried U/s. 447/188/506/34 of IPC.

This case was initiated out of a FIR lodged by Brajendranath Mal before Sagar PS.

The fact of the prosecution case, in brief, is that on 12.08.2022 disobeying the order u/s. 144 (2) CrPS the accused persons started roof welding and when the de facto complainant protested then the accused persons threatened him with dire consequences. Hence, the case.

On the basis of the said complaint Sagar PS Case no.324/22 dated 24.08.2022 was started and investigated the case which resulted into charge sheet u/s. 447/188/506/34 of I.P.C. against the above named accused persons.

The court after being satisfied with the prima facie case made out by the prosecution, examined the accused persons u/s. 251 of CrPC and substance of accusation U/s. 447/188/506/34 of I.P.C. is read over and explained to the accused persons to which the accused persons pleaded not guilty and claimed to be tried.

After the evidence of the prosecution witness is closed, the accused persons were examined u/s 313 Cr. P.C. where they stated that they were not guilty and they would not adduce any evidence in their support.

After that, argument was heard on both sides.

Now let us discuss the case in the light of evidence and documents on the record, in order to see as to how far the prosecution has been able to prove the case against the accused persons.

POINTS FOR DETERMINATION

- i. Whether the prosecution has been able to prove the case beyond all shadow of reasonable doubt ?
- ii. Whether the accused persons are liable to be convicted for the commission of offence punishable U/s. 447/188/506/34 of I.P.C.?

DECISION WITH REASONS

Points No. 1 and 2 :

Both the points being interrelated are taken up together for discussion for the sake of brevity of discussion and to avoid unnecessary repetition..

In this instant case the prosecution examined the de facto complainant-cum-victim as PW1 and in his examination in chief he stated that a dispute raised over the issue of boundary in between himself and accused Debasis and an altercation took place in between them. In his cross-examination he stated that their boundary dispute is over and he has no allegation against the accused persons. PW 2 and PW3 have not stated anything about the incident.

No other witness turned up to support the prosecution case.

In the given premises I am compelled to hold that there is nothing on record to prove that the accused persons were involved in the commission of the alleged crime and hence, the accused persons merit acquittal.

Hence, it is

ORDERED

that six accused persons namely, Debasish Das, Raju Das, Jyotish Chandra Das, Sampa Jana, Sujata Das and Lakhikanta Das are found not guilty of the charge labeled against them and they are acquitted as per the provision section sections 255(1) of the Code of Criminal Procedure.

The accused persons be discharged from their respective bail bonds.

Dictd. & Cortd. by me :

Sd/-

Additional Chief Judicial Magistrate -
cum- Civil Judge,(Senior Division),
Kakdwip, South 24 Parganas.

Sd/-

Additional Chief Judicial Magistrate -
cum-Civil Judge,(Senior Division)
Kakdwip, South 24 Parganas.