

IN THE COURT OF THE JUDICIAL MAGISTRATE
GHATAL, PASCHIM MEDINIPUR.

Present: Debojit Das
Judicial Magistrate,
Ghatal, Paschim Medinipur

GR 131 of 22

R. 1360/22, T.R. 171/23

State
-vs-
Raju Hazra

Under Sections 448/323/354B/506 of the I.P.C.

Date of delivery of judgment 20/09/2023

J U D G M E N T

1. The prosecution case in a nutshell is that the informant Soma Manna lodged a complaint at Daspur PS on 8/2/2022 at about 17:35 hrs stating that on 1/2/2022 at about 20:30 hrs the accused persons went to her residence demanding subscription for Puja and as she refused, they entered into her house and assaulted her with fists and blows and outraged her modesty and they assaulted her husband as well when he tried to rescue her and they were treated at Ghatal SD hospital.
2. Upon receiving the complaint police registered the case as Daspur PS FIR being no. 48/22 u/s 448/323/354B/307/506 of the I.P.C. and police investigated the matter.
3. On completion of the investigation, the police submitted charge sheet against the sole accused under Sections 448/323/354B/506 of the I.P.C.
4. Copies of the relevant documents were furnished to the accused persons in accordance with Section 207 Criminal Procedure Code.
5. The charges under Sections 448/323/354B/506 of the I.P.C. were accordingly, framed, read over and explained to the accused to which the accused pleaded not guilty and claimed to be tried.
6. During trial, the prosecution examined four witnesses after which the prosecution evidence was closed. Signature of PW1 in the

complaint is marked as Exhibit P1/1, her statement recorded under Section 164 Cr.P.C. is marked as Exhibit P2 and her signature therein as Exhibit P2/1.

7. The defence statement of the accused was, accordingly, recorded in separate sheets of paper wherein the accused declined the entire allegations made against the accused. Defence did not adduce any evidence.
8. Upon hearing both the parties and on perusal of the case record, the following points for determination were formulated by this Court:
9. Is the accused guilty of the offence punishable under Sections 448/323/354B/506 of the I.P.C.?
10. I have heard the learned counsel on both sides and have gone through the evidence on records which have been outlined below.

EVIDENCE

11. PW1 deposed that on 1st Feb 2022 at about 7 to 8 pm at night the accused went to her house for collecting subscription and as she could not pay, he abused her and assaulted her on her head with stick and dragged her out holding her hair towards the Mansa temple. She deposed that she sustained bruise injuries all over her body and she was treated at Daspur hospital. She deposed that she went to hospital on the date of the incident.
12. PW2 deposed that accused assaulted his wife with fists and blows and as he tried to rescue his wife, the accused assaulted him. He deposed that his wife sustained injury all over her body. PW3 and PW4 denied having any knowledge of the incident.

APPRECIATION OF EVIDENCE

13. The prosecution failed to prove the written complaint. The prosecution did not explain the reason behind long delay in lodging the complaint which raises reasonable doubt over the incident. No medical document is adduced as evidence to prove that PW1 sustained injuries as alleged. The prosecution failed to establish chain of events. PW1 and PW2 did not disclose the time

and date on which PW1 reached the hospital for treatment. The other independent witnesses denied having any knowledge of the incident which also raises reasonable doubt over the alleged incident.

14. The essential ingredients to connect the accused with the offence are punishable under Sections 448/323/354B/506 of the I.P.C. are very much absent in the present case. The complainant has failed to bring home any iota of evidence that the accused committed the alleged offence. Hence, the accused is entitled to be acquitted of all charges framed against the accused.
15. All the points are thus answered in the negative. As a result, prosecution case fails and the accused merits acquittal.

Hence, it is

ORDERED

16. that the sole charge sheet accused is found not guilty to the charge so framed under Sections 448/323/354B/506 of the I.P.C. and he is hereby acquitted under section 248 (1) of the Cr.P.C.
17. The accused is on Court bail. Bail bond shall remain in force for the next six months as per the mandate of section 437A Cr.P.C.
18. The judgment is delivered in open Court. Let necessary noting be made in the register.
19. Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of the Cr. R.O of the Honourable High Court, Calcutta.
20. Let a copy of this judgment be forwarded to the District Magistrate, Paschim Medinipur & Secretary, DLSA, Paschim Medinipur for due intimation to the victim as defined under section 2(a) of the Code of Criminal Procedure. B.C I and B.C II to comply.

Typed and corrected by me.

Judicial Magistrate,
Ghatal, Paschim Medinipur
JO WB1370