

FORM A

IN THE COURT OF JUDICIAL MAGISTRATE,  
GHATAL, PASCHIM MEDINIPUR

**Present: Debojit Das (J.O. Code: WB01370)**

Judicial Magistrate, Ghatal, Paschim Medinipur  
GR 1315 of 21 (Reg. No. 507 of 22)

T.R. 326 of 22

Date of Judgment: 21/6/2025

Details of FIR/Crime and Police Station

|                |                               |
|----------------|-------------------------------|
| Complainant    | State of West Bengal          |
| Represented by | Ld. APP, Kamal Sarkar.        |
| Accused        | Suchand Basak and four others |
| Represented by |                               |

FORM B

|                                      |          |
|--------------------------------------|----------|
| Date of offence                      | 1/11/21  |
| Date of FIR                          | 2/11/21  |
| Date of Charge sheet                 | 31/12/21 |
| Date of framing of Charges           | 27/12/23 |
| Date of commencement of Evidence     | 21/2/24  |
| Date on which judgment is reserved   | N.A.     |
| Date of the judgment                 | 21/6/25  |
| 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 | Offences charged with                       | Whether acquitted or convicted | Sentence imposed | Period of Detention undergone during Trial for the purpose of Section 428 CrPC |
|---------------------|-------------------------------|----------------|-------------------------|---------------------------------------------|--------------------------------|------------------|--------------------------------------------------------------------------------|
| 1.                  | Suchand Basak and four others |                |                         | u/S 341, 323, 506, 509 and 34 of the I.P.C. | Acquitted                      | N.A              | N.A                                                                            |

FORM C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

Prosecution

| RANK  | NAME        | NATURE OF EVIDENCE (E Y E WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|-------|-------------|-------------------------------------------------------------------------------------------------------------------|
| P.W-1 | Pinku Basak | Informant/Victim                                                                                                  |
| P.W-2 | Ashok Basak | Witness                                                                                                           |

Defense Witnesses, if any:

| RANK  | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|-------|------|-----------------------------------------------------------------------------------------------------------------|
| D.W-1 | N.A  | N.A                                                                                                             |

Court witness, if any:

| RANK  | NAME | NATURE OF EVIDENCE ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|-------|------|------------------------------------------------------------------------------------------------------------------|
| C.W-1 | N.A  | N.A                                                                                                              |

LIST OF PROSECUTION/DEFENCE EXHIBITS/COURTS EXHIBITS

Prosecution

| Sr. No. | Exhibit No.  | Description                                   |
|---------|--------------|-----------------------------------------------|
| 1.      | Exhibit P1/1 | The signature of PW1 in the written complaint |

Defense

| Sr. No. | Exhibit No. | Description |
|---------|-------------|-------------|
| 1.      | N.A         | N.A         |

Court Exhibit

| Sr. No. | Exhibit No. | Description |
|---------|-------------|-------------|
| 1.      | N.A         | N.A         |

Material Objects

| Sr. No. | Material Object No. | Description |
|---------|---------------------|-------------|
| 1.      | N.A                 | N.A         |

## **J U D G M E N T**

### **Facts of the Case**

1. On 2/11/21 at about 00:35 hrs one written complaint was lodged at Chandrakona PS by informant namely Pinku Basak stating that on 1/11/21 at about 17 hrs the accused persons namely Suchand Basak and four others were trying to make pathway through her plot and as she protested, they abused her in filthy languages and threatened her with dire consequences.

### **FIR and Investigation**

2. Pursuant to the informant's complaint, FIR was registered, and an investigation was conducted by the Investigating Officer (I.O.). Upon conclusion of the investigation, a charge sheet (No. 519) was submitted under Sections 341, 323, 506, 509 and 34 of the IPC against the said **five** accused. Cognizance of the offences was taken by the competent Court, and the case was subsequently transferred to this Court for adjudication.

### **Framing of Charge**

3. This Court framed charges against the **five** accused under Sections 341, 323, 506, 509 and 34 of the IPC. The charges were read over and explained to the accused. The accused pleaded "Not Guilty" and to be tired.

### **Evidence on Record**

4. During the trial, the prosecution examined the informant/victim namely Pinku Basak as PW1, her neighbour Ashok Basak as PW2. The signature of PW1 in the complaint is marked as Exhibit P1/1. This Court, mindful of the constitutional mandate under Article 21 of the Constitution of India guaranteeing a speedy trial, after evaluating the evidence already on record, closed prosecution evidence.

### **Examination of the Accused under Section 313 Cr.P.C.**

5. The statements of the accused were recorded under Section 313 of the Cr.P.C., wherein the accused categorically denied all allegations levelled against the accused. The accused declined to adduce any evidence in defence, resting their case on the denial of the prosecution's claims.

### **Points for Determination**

6. The sole point for consideration before this Court is:
  - a) Whether the accused are guilty of committing offences punishable under Sections 341, 323, 506, 509 and 34 of the IPC?
7. This Court has carefully considered the submissions of the learned counsel for both the prosecution and the defence and has meticulously perused the evidence on record. The analysis and findings are delineated below.

### **Evaluation of Prosecution Evidence**

8. PW1 deposed that on 11<sup>th</sup> month of 2021 at about 4 pm, the accused persons were using her pathway, they were abusing her. She deposed that they entered into her house and assaulted her with fists and blows, they pushed her. She deposed that after assaulting her, they left. She denied being treated by any doctor. During cross-examination, she deposed that the incident continued for one hour. She deposed that no one came to the spot at the time of the incident. She deposed that she lodged the complaint on the same day on which the incident happened. She deposed that she did not mention which accused assaulted her in what way. PW2 denied having any knowledge of the alleged incident.

### **Decision with Reasons**

9. The prosecution's case hinges primarily on the testimony of PW1 (Pinku Basak), the informant and victim, as PW2 (Ashok Basak), her neighbour, denied any knowledge of the alleged incident. The complete absence of corroborative testimony from PW2, who could reasonably be expected to have some awareness of an incident

involving five accused in a residential area, significantly undermines the prosecution's narrative. In a criminal trial, the prosecution bears the burden of proving the guilt of the accused beyond reasonable doubt, and reliance on a single witness, particularly an interested party, necessitates a testimony of unimpeachable consistency and credibility, supported by corroborative evidence.

10. The testimony of PW1 is fraught with inconsistencies and lacks credibility. PW1 deposed that in November 2021, at about 4:00 pm, the accused were using her pathway, abused her, entered her house, assaulted her with fists, blows, and pushes, and then left. She stated that the incident lasted for one hour but denied being treated by a doctor. The written complaint, lodged by PW1, alleges that on 1 November 2021, at about 5:00 pm, the accused attempted to make a pathway through her plot, and upon her protest, they abused her in filthy language and threatened her with dire consequences. Notably, the complaint does not mention any physical assault, entry into the house, or pushing, which are central to PW1's trial testimony. This material discrepancy between the complaint and PW1's testimony is critical, as it suggests that the allegations of assault were either omitted from the complaint or introduced later, undermining the reliability of her account. Furthermore, PW1's cross-examination revealed that she did not specify which accused assaulted her or in what manner, further weakening the specificity required to attribute criminal liability to the five accused. The settled proposition of law is that significant contradictions between a witness's trial testimony and the complaint, particularly when the witness is the sole source of evidence, erode the evidentiary value of the prosecution's case.
11. The plausibility of PW1's account is highly questionable, particularly the claim that five accused assaulted her with fists, blows, and pushes for one hour without causing any injury requiring medical attention. An assault of such

duration and intensity, involving multiple assailants, would reasonably be expected to result in visible injuries, such as bruises, abrasions, or swelling, necessitating medical treatment. PW1's explicit denial of seeking medical care, despite alleging a prolonged and violent attack, casts significant doubt on the veracity of her testimony. The absence of any medical evidence, such as an injury report or testimony from a medical professional, deprives the Court of objective material to verify the alleged assault. While this Court does not fault the prosecution for the non-production of medical evidence, its absence is particularly detrimental to the charge under Section 323 (voluntarily causing hurt), which requires proof of physical harm. The claim of a one-hour assault without injury is inherently implausible and suggests possible exaggeration or fabrication, especially when viewed alongside the inconsistencies with the complaint.

12. The absence of corroborative evidence is another critical deficiency. PW1 stated during cross-examination that no one came to the spot during the incident, despite it occurring at 4:00 pm, a time when neighbours or passersby could reasonably be present. The prosecution's failure to produce independent witnesses, such as other residents or family members, is inexplicable, given the public nature of the alleged incident on the informant's house premises. PW2, a neighbour, denied any knowledge of the incident, further isolating PW1's testimony. The claim that five accused abused and assaulted PW1 for an hour without attracting attention or intervention from others strains credulity, particularly in a residential setting. The non-examination of independent witnesses raises an adverse inference, as the prosecution's case relies solely on the uncorroborated testimony of an interested witness.
13. The timing of the FIR, lodged on 2 November 2021 at 00:35 hrs, approximately seven hours after the alleged incident on 1 November 2021 at 5:00 pm, does not

constitute a significant delay. PW1's assertion that she lodged the complaint on the same day aligns with the FIR's timestamp, which is a point in favour of the prosecution. However, this factor alone cannot overcome the numerous deficiencies in the evidence, including the inconsistencies in PW1's testimony, the implausibility of the assault, and the lack of corroboration.

14. The chain of events narrated by PW1 lacks a coherent motive beyond the vague assertion of a dispute over a pathway. The complaint suggests that the accused were attempting to create a pathway through PW1's plot, leading to the altercation, but PW1's trial testimony shifts focus to the accused using her pathway and assaulting her inside her house. The prosecution has not adduced evidence of prior conflicts or specific incidents related to the pathway dispute that would explain such a coordinated attack by five accused, involving abuse, threats, and assault. The absence of contextual evidence renders the prosecution's narrative speculative and unconvincing.
15. The charges under Sections 341 (wrongful restraint), 323 (voluntarily causing hurt), 506 (criminal intimidation), 509 (insulting the modesty of a woman), and 34 (common intention) require specific ingredients to be proven beyond reasonable doubt. Section 341 necessitates evidence that PW1 was prevented from moving, but her testimony focuses on assault and abuse, not restraint, rendering this charge unsubstantiated. Section 323 is unsupported due to the absence of medical evidence or visible injuries, and the implausibility of a one-hour assault without harm undermines this charge. Section 506, requiring proof of a threat to cause death or grievous hurt, is based on the complaint's allegation of dire consequences, but PW1's trial testimony does not specify the nature of the threats, weakening this charge. Section 509, concerning insulting the modesty of a woman through words or gestures, relies on the allegation of filthy language, but PW1's vague

reference to abuse, without detailing the words used, fails to meet the evidentiary threshold. The invocation of Section 34, presupposing a common intention, is untenable given the lack of evidence attributing specific acts to the five accused and the failure to establish a shared intent, particularly in light of PW1's non-specific testimony.

16. The statements of the accused under Section 313 of the Cr.P.C., wherein they denied all allegations and declined to adduce defence evidence, do not shift the burden of proof. It is a cardinal principle of criminal law that the accused are presumed innocent, and the prosecution must establish their guilt through cogent and consistent evidence. The accused are not obliged to prove their innocence or provide an alternative explanation for the incident.
17. This Court is mindful of the constitutional mandate under Article 21 of the Constitution of India, which guarantees a fair and speedy trial. However, fairness demands that no person be convicted on the basis of unreliable or insufficient evidence. The principle of proof beyond reasonable doubt is the cornerstone of criminal jurisprudence, and any doubt in the prosecution's case must inure to the benefit of the accused.
18. In light of the foregoing analysis, this Court concludes that the prosecution has failed to establish the guilt of the accused for the offences charged. The material inconsistencies between PW1's testimony and the complaint, the implausibility of a one-hour assault by five accused without causing injury, the absence of corroborative evidence from independent witnesses, the lack of medical evidence, and the vague and unsupported nature of the prosecution's narrative collectively create a reasonable doubt in the prosecution's case.

Hence, it is

**ORDERED**

that all five charge-sheeted accused are found not guilty of the offences under Sections 341, 323, 506, 509, and 34 IPC. They

are hereby acquitted under Section 255(1) of the Cr.P.C.

The bail bonds of the accused shall remain in force for a period of six months.

A soft copy of this judgment shall be uploaded to the Case Information System (CIS), and a certified copy shall be forwarded to the District Magistrate, Paschim Medinipur, and the Secretary, District Legal Services Authority (DLSA), Paschim Medinipur, for due intimation to the victim as defined under Section 2(wa) of the Cr.P.C.

Typed and corrected by me.

Judicial Magistrate,  
Ghatal, Paschim Medinipur  
JO WB1370