

Form No. (M) 34
FORM A

IN THE COURT OF THE JUDICIAL MAGISTRATE, 4TH COURT, SILIGURI, DARJEELING.	
Present: Sri. SANTOSH KUMAR SHARMA Judicial Magistrate, 4 th Court, Siliguri. JO Code WB 01353 Date of delivery of Judgment: <u>The 22nd Day of May, 2025</u> <u>G.R Case No. 1745 of 2021</u> <u>CIS No. 1040 of 2022</u> <u>CNR WBDJ0E-002405-2022</u> <u>T.R. No. 491 of 2022 dated 17-06-2022</u> <u>Phansidewa P.S. Case No. 202 of 2021 dated 18-05-2021 Under Section 341/323/506 of Indian Penal Code</u>	
COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. APP Sri Manik Saha
ACCUSED	1. Md. Pintu @ Suleman, S/o Md. Salauddin resident of Madati, P.S. Phansidewa, District Darjeeling.
REPRESENTED BY	Ld. Advocate Pappu Mohanta

Form No. (M) 35
FORM B

Date of Offence	17-05-2021
Date of FIR	18-05-2021
Date of Chargesheet	30-06-2021
Date of Framing of Charges	21-03-2024
Date of commencement of Evidence	28-03-2024
Date on which Judgment is reserved	22-05-2025
Date of Judgment	22-05-2025
Date of the Sentencing Order, if any	Not applicable

Accused details:

Rank of the Accused	Name of Accused	Date of arrest	Date of release Bail	Offences charged with	Whether acquitted or convicted	Sent ence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1.	Md. Pintu @ Suleman,	NA	21-05-2021	<u>Under section 341/323/506 of Indian Penal Code.</u>	Acquitted	N.A.	N.A.

Judgement

Prosecution story :

Present case of the prosecution has been initiated **Under section 341/323/506 of Indian Penal Code**. The incident on the basis of which this case was started is that one Nahid Aktar , S/o Md. Sahajad of Madati, P.S. Phansidewa, District Darjeeling lodged a written complaint to the effect that while he was sitting on the ground with other friends all of a sudden Pintu came and slammed him and abused him and assaulted him with bamboo stick and as a result received an injury on his person. Later on his family members took him at Bidhan Nagar PHC for treatment.

On the basis of complaint filed by Nahid Aktar , S/o Md. Sahajad of Madati, P.S. Phansidewa, District Darjeeling lodged a written complainant to the effect that a case vide Phansidewa P.S. Case No. 202 of 2021 dated 18-05-2021 Under Section 341/323/506 of Indian Penal Code was started and after investigation police filed a charge sheet against the accused namely Md. Pintu @ Suleman.

The trial commenced and the accused person facing the trial was examined U/S 240 of Code of Criminal Procedure, 1973 Under section 341/323/506 of Indian Penal Code.

Thereafter evidence from the side of prosecution was recorded.

After scanning the evidence of the witnesses for the prosecution, the accused person has been examined as per the provisions of section 313 of Code of Criminal Procedure, 1973.

The accused person did not prefer to adduce evidence on his part inspite of giving opportunity to him.

Evidence on Record:-

Only one witness has been examined from the side of the prosecution to prove the case as follows:-

1) Nahid Aktar (CSW-1) as PW-1

During the examination of PW1, Nahid Aktar stated in his evidence that on 18-05-2021 he had filed a case before Bidhan Nagar O.P. under Phansidewa P.S. against Md. Pintu @ Suleman. PW1 further stated that the complaint was written by some other person and it bears her signature. PW1 also further stated that due to misunderstanding he had filed this case.

His cross-examination was declined.

Points for determination :-

1. Whether the alleged accused person has committed any offence punishable Under section Under section 341/323/506 of Indian Penal Code ?
2. Whether the prosecution has been able to establish the case against the accused person beyond all reasonable doubt?

Argument :

Argument has been heard from both side and all the materials available in record along with the evidence has been considered.

During argument prosecution submitted to pass necessary order on the basis of evidence on record. On the other hand Advocate for the accused submitted that as nothing has come against the accused persons, they should be acquitted from this case

Decision with reason

The above noted point is taken up for discussion as follows:-

In this case the defacto complainant has himself deposed as PW1 and he stated that due to misunderstanding he had filed this case.

Considering the facts and circumstances along with the other materials on record there is nothing available in the case material to substantiate the offence against the accused persons.

Considering the facts mentioned above and the circumstances, I am inclined to hold that the accused are not found guilty Under section 341/323/506 of Indian Penal Code and be acquitted from this case.

Hence it is,

O R D E R E D

that the accused person **Md. Pintu @ Suleman** found not guilty of committing any offence punishable Under section 341/323/506 of Indian Penal Code.

The above named accused person is hereby acquitted from this case as per the provision of section 255 (1) of Code of Criminal Procedure, 1973 and the accused person be released from his bail bond at once.

Alamat, if any, seized in connection with this case, be disposed of as per the provision of law.

Let a copy of this order be sent to District Magistrate, Darjeeling as per direction of Hon'ble Calcutta High Court in the case of Sabitri Bhuniya vs The State of WB and Others.

Copy of order be also sent to Chairman, SDLA, Siliguri as per direction of Hon'ble Court in above referred case and also as per direction of Chairman, DLSA, Darjeeling.

The victim as defined in Section 2(wa) of Cr.P.C. has the right to prefer an appeal under proviso to Section 372 of Cr.P.C and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

Typed by me

Sd/- xx xx

J.M. 4th Court, Siliguri
Santosh Kumar Sharma
(JO -WB 01353)

Sd/- xx xx
Judicial Magistrate 1st Class
4th Court, Siliguri, Darjeeling

Sd/- xx xx
Judicial Magistrate 1st Class
4th Court, Siliguri, Darjeeling

APPENDIX

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)
1.	Nahid Aktar	Defacto complainant

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
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B. Defence:

Sr. No.	Exhibit Number	Description
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C. Court Exhibits:

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

D. Material Objects:

Sr. No.	Material Object Number	Description
N.A.	N.A.	N.A.

Sd/- xx xx
J.M. 4th Court, Siliguri
Santosh Kumar Sharma
(JO -WB 01353)