

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, 2ND COURT,
AT RAMPURHAT, BIRBHUM.**

Present :- Preetha Mukherjee
Judicial Magistrate First Class, 2nd Court,
Rampurhat, Birbhum.

Ref: G.R Case No. 598/2021
T.R No. 1217/23

JO Code – WB01445
CNR No. WBBBO6 002597 2023

State.....Versus.....Accused Persons.

1. Saher Ali
2. Tamal Molla
3. Rocky Sk
4. Abdul Molla
5. Ibrahim Sk
6. Arif Mirza @ Arif
7. Rakesh Sk
8. Dulal Molla
9. Bhutu Sk
10. Rocky Sk
11. Tinku Sk

U/sec. 341/325/506/34 of I.P.C.

Dated : Rampurhat, the 03rd day of June, 2026.

JUDGMENT

Brief facts of the case:-

The present case was started by one Madan Let S/o – Nrisingha Let of Tilai, P.S- Rampurhat, District - Birbhum stating inter alia that on 02.05.2021 after conclusion of the election process, the accused persons committed post pole violence over the area and broke the only tube-well present in the house of the de facto complainant. According to him 06.05.2021 at 06:30 a.m. the accused persons came in a motor bike and assaulted his grand son Prasun Let and neighbour Jiban Let with bamboo stick and when the de facto complainant himself and his daughter's in law

reached the PO, the accused persons assaulted them as well due to which they sustained grievous injury.

On the basis of the said written complaint the police registered the, Rampurhat P.S-Case No : 198/21, dated 06.05.2021, u/s 341/325/326/506/34 of I.P.C and investigated into the matter and after completion of the same, the police filed the charge sheet being No. 319/21, dated 18.08.2021 u/s 341/325/326/506/34 of I.P.C against the accused.

Subsequently, the case record was transferred to this court for disposal.

Trial

On the basis of the said charge sheet filed by the police and on perusal of all the materials in support of the offences, this court found, *prima facie* case, against the accused persons, u/s 341/325/506/34 of I.P.C and the substances of the accusations were read over and explained to the accused persons to which they pleaded not guilty, and claimed to be tried under the law and hence the trial commenced.

During the course of the trial, the prosecution was able to produce the evidences of the following charge sheet named witnesses and after the same the prosecution evidences were closed.

- Madan Let, the de facto complainant deposed as P.W-1 and he was cross examined in full and discharged.
- Jiban Let deposed as P.W-2 and he was cross examined in full and discharged.
- Prasenjit Let deposed as P.W-3 and he was cross examined in full and discharged.
- Premi Let deposed as P.W-4 and she was cross examined in full and discharged.
- Chintu Let deposed as P.W-5 and she was cross examined in full and discharged.
- Archana Let deposed as P.W-6 and she was cross examined in full and discharged.
- Lakhi Let deposed as P.W-7 and she was cross examined in full and discharged.

No other witnesses of the prosecution turned up on process and hence evidence of prosecution was closed.

After the aforesaid witnesses were completed the prosecution evidences were closed and the matter was taken up for examination of the accused u/s 313 Cr.P.C and the incriminating evidences were reduced to writing, in questions form, in the formal forms for the examination of the accused under section 313 Cr.P.C. Those questions were put to the accused persons one by one and the answers were duly recorded and the examination was concluded. Since the accused did not intend to adduce any evidence in defence, all evidences were closed and the argument was heard from both the sides and the matter came up for judgment.

During the examinations u/s 313 Cr.P.C all the accused persons have denied the allegations and said that the allegations are totally false and fabricated.

Points For Determinations :-

Point no. 1) Whether the accused persons committed any offence punishable U/S(s) 341/325/506/34 of the I.P.C ?

Point no. 2) Whether the prosecution has been able to bring home the accusation against the accused persons beyond all reasonable doubts ?

Decision With Reasons

Point no. (1) and (2) :

Both the points are taken up together for discussion and decision thereupon as they are interlinked in criminal trial.

It needless to mention here at first that the prosecution is under obligation to prove its case beyond all reasonable doubts. The accused persons are presumed to be innocent until and unless the prosecution is able to bring home the accusation by adducing and unimpeachable evidence.

Now let the evidence of the prosecution witnesses be examined to see as to how far the prosecution has been able to bring home the accusation against the accused persons.

Madan Let, the de facto complainant of this case deposed as PW 1. He stated that he had filed the instant case against 11 accused due to physical altercation that took place between them 5 years ago. He stated that he did not sustain any injury due to the said altercation and did not remember as to who sustained injury in the same incident.

During cross examination P.W 1 stated that he does not remember anything about the incident. He also stated that he has no allegations against the accused persons and has no objection if the accused were acquitted from this case.

P.W 2 to P.W 7 deposed before the court and all of them stated that a physical altercation had taken place 5 years ago between them but they did not sustain any injury. They also stated that they were not interrogated by the IO of this case. Their cross examination were declined.

In the case in hand the de-facto complainant / victim who is the vital witness of instant case, did not satisfy this Court by placing any cogent evidence. Therefore, no such materials have come out in support of the case of the prosecution for establishing the guilt against the accused persons.

Therefore, from the entire evidence, it is not revealed that the accused persons committed any offence punishable U/S(s) 341/325/506/34 of the I.P.C. The evidence of the prosecution witnesses do not reveal any offence punishable U/S(s) 341/325/506/34 of the I.P.C.

Therefore the prosecution has failed to bring home the accusation against the accused persons by adducing any cogent and unimpeachable evidence. In view of the above discussion, this court is inclined to hold that the prosecution has been unable to prove its case beyond all reasonable doubts.

Accordingly, all the points decided in the negative and against the prosecution.

Thus, the accused persons are held to be not guilty of the accusation as framed against them and they are entitled to an order of acquittal.

Hence, it is

ORDERED,

that the accused persons are found not guilty of the alleged offenses U/S(s) 341/325/506/34 of IPC and thus the accused persons are acquitted u/s 248 (1) Cr.P.C.

The accused persons shall remain in the same bonds and shall be released from their respective bail bonds after a period of six months as per section 437-A of the Cr.P.C.

Sureties shall be discharged from their liability accordingly.

The victim has a right to prefer appeal under the provision to Section 372 of Cr.P.C against the said judgment and if required may seek free legal assistance from the appropriate Legal Service Authority to institute and prosecute such appeal.

Let the copy of the judgment of the acquittal be forwarded to the District Magistrate and the Chairman, D.L.S.A, Birbhum for due intimation to the victim as defined under section 2(wa) of Cr.P.C.

Dictated and corrected by me,

(Preetha Mukherjee)
Judicial Magistrate
2nd Court, Rampurhat

(Preetha Mukherjee)
Judicial Magistrate
2nd Court, Rampurhat

Form A

IN THE COURT OF LD. JUDICIAL MAGISTRATE, 2ND COURT, RAMPURHAT, BIRBHUM	
Present : Preetha Mukherjee, Judicial Magistrate	
[03/06/2026]	
[Case No. GR 598/2021]	
(Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	Ld. A.P.P
ACCUSED	1. Saher Ali 2. Tamal Molla 3. Rocky Sk 4. Abdul Molla 5. Ibrahim Sk 6. Arif Mirza @ Arif 7. Rakesh Sk 8. Dulal Molla 9. Bhutu Sk 10. Rocky Sk 11. Tinku Sk
PRESENTED BY	Ld. Advocate Zahir Raihan

Form B

Date of offence	06.05.2021
Date of FIR	06.05.2021
Date of Charge sheet	18.08.2021
Date of framing of charge	03.06.2026
Date of commencement of Evidence	03.06.2026
Date on which Judgement is reserved	03.06.2026
Date of Judgement	03.06.2026
Date of the Sentencing Order, if any	No

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 undergone during trial for purpose of Section 428 Cr.P.C
1	Saher Ali	07.05.2021	06.12.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
2	Tamal Molla	Surrendered voluntarily	03.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
3	Rocky Sk	Surrendered voluntarily	03.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-

4	Abdul Molla	Surrendered voluntarily	03.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
5	Ibrahim Sk	Surrendered voluntarily	03.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
6	Arif Mirza @ Arif	Surrendered voluntarily	03.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
7	Rakesh Sk	Surrendered voluntarily	18.09.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
8	Dulal Molla	Surrendered voluntarily	03.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
9	Bhutu Sk	Surrendered voluntarily	07.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
10	Rocky Sk	Surrendered voluntarily	07.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-
11	Tinku Sk	Surrendered voluntarily	09.06.2021	U/sec. 341/325/506/34 of I.P.C	Acquitted	-	-

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.	Madan Let	COMPLAINANT
2.	Jiban Let	OTHER WITNESS
3.	Prasenjit Let	OTHER WITNESS
4.	Premi Let	OTHER WITNESS
5.	Chintu Let	OTHER WITNESS
6.	Archana Let	OTHER WITNESS
7.	Lakhi Let	OTHER WITNESS

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A Prosecution :

Sr. No.	Exhibit Number	Description
-	-	-

B. Defence :

Sr. No.	Exhibit Number	Description
-	-	-

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
-	-	-

D. Materials Objects :

Sr. No.	Material Object Number	Description
-	-	-

Dictated and corrected by me,

(Preetha Mukherjee)
Judicial Magistrate
2nd Court, Rampurhat

(Preetha Mukherjee)
Judicial Magistrate
2nd Court, Rampurhat