

FORM A
IN THE COURT OF JUDICIAL MAGISTRATE, KALNA, PURBA
BARDHAMAN

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

Judicial Magistrate, Kalna Purba Bardhaman

GR 312 of 97 (Reg. No. 312 of 97)

T.R. no. 442 of 03

Date of Judgment: 5.6.2026

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP, Rupam Majumder
Accused	Alam Mondal and nine others
Represented by	

FORM B

Date of offence	25.8.97
Date of FIR	26.8.97
Date of Charge sheet	29.12.97
Date of framing of Charges	20.09.07
Date of commencement of Evidence	10.03.08
Date on which judgment is reserved	N.A.
Date of the judgment	5.6.26
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.	Alam Mondal and eight others			u/S 147, 148, 149, 427, 324 and 9(b)(II) of the E. Act	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	Khorsehd Ali Sk	Witness
P.W-2	Sk Jamaluddin	Witness
P.W-3	Habil Sk	Witness
P.W-4	Monsur Sk	Witness

Defence 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.	NA	NA

Defence

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.	NA	NA

J U D G M E N T

Facts of the Case

1. As per the charge sheet, on 26.8.97 at about 11:35 hours, a written complaint was lodged at Purbasthali Police Station by the informant, namely Akram Ali Sk. In the complaint, it was alleged that on 25.8.97 at about 8 pm at night he heard bomb blast noise near Bhai Bhai club of Uttar Para. It is stated therein that he heard hue and cry too and. on the next day in the morning at about 10 hrs., he came to know that one Mansur Ali Sk, Habil Sekh and Khokan Sk sustained injuries due to such bomb blast and the accused persons namely Alam Mondal and nine others attacked them.

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. 103) was submitted under Sections 147, 148, 149, 338, 427, 324 IPC and 9(b)(II) of the Explosive Act against the ~~ten~~ 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 accused under Sections 147, 148, 149, 427, 324 IPC and 9(b)(II) of the Explosive Act. The charges were read over and explained to the accused. The accused pleaded "Not Guilty" and claimed to be tried. CS accused no. 7 passed away and the case is abated in respect of the deceased accused.

Evidence on Record

4. During the trial, the prosecution examined witnesses namely Khorshed Ali Sk as PW1, Sk Jamaluddin as PW2, Habil Sk as PW3, Monsur Sk as PW4. 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 the 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 147, 148, 149, 427, 324 IPC and 9(b)(II) of the Explosive Act?
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 Khorshed Ali Sk deposed that the informant is his neighbor. He deposed that he does not know anything about this case. During cross-examination by the defence, he deposed that the Investigating Officer (I.O.) did not interrogate him.
9. PW2 Sk Jamaluddin deposed that the informant is his neighbor. He deposed that he does not know anything about this case. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.
10. PW3 Habil Sk deposed that the informant is his co-villager. He deposed that he does not know against whom he lodged the case and does not recall anything else. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.
11. PW4 Monsur Sk deposed that the informant is his co-villager. He deposed that he does not know against whom he lodged the case and does not recall anything else. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.

Decision with Reasons

12. In a criminal trial, the prosecution is required to prove the guilt of the accused beyond reasonable doubt. The burden never shifts upon the accused. The prosecution must establish the occurrence, the participation of the accused persons, the existence of the unlawful assembly, the common object of such assembly and the commission of the specific offences alleged.
13. At the very outset, the nature of the prosecution case requires consideration. The informant, namely Akram Ali Sk, was not an eyewitness to the alleged

occurrence. As evident from the FIR itself, he merely heard a bomb blast and hue and cry on the night of 25.08.1997 and on the following morning came to learn that certain persons had sustained injuries and that the accused persons were allegedly involved. Thus, the FIR itself is substantially based on information received from others and not on the direct knowledge of the informant.

14. Significantly, the informant was never examined during trial. The Court has therefore been deprived of the testimony of the person who set the criminal law in motion and who could have explained the source of his information and the circumstances in which the allegations came to be made.
15. The prosecution examined four witnesses. PW1 Khorshed Ali Sk and PW2 Sk Jamaluddin categorically stated that they do not know anything about the case. Their evidence does not support the prosecution in any manner whatsoever. Both witnesses were therefore of no assistance in establishing either the occurrence or the involvement of the accused persons.
16. PW3 Habil Sk and PW4 Monsur Sk are stated to be among the injured persons referred to in the FIR. Ordinarily, their testimony would have constituted the most crucial evidence in the case. However, both witnesses completely failed to support the prosecution version.
17. PW3 Habil Sk deposed that he does not know against whom the case was lodged and does not recollect anything else. Similarly, PW4 Monsur Sk stated that he does not know against whom the case was lodged and does not recall anything else. Neither witness narrated the occurrence. Neither witness stated that any bomb exploded. Neither witness stated that he was assaulted by any accused person. Neither witness identified any accused. Neither witness attributed any overt act to any person.
18. Thus, the two alleged victims themselves have not supported the prosecution case. The prosecution has therefore failed to produce any substantive evidence proving the occurrence in the manner alleged in the charge sheet.
19. The prosecution has also failed to establish the chain of events forming the basis of the prosecution case. According to the charge sheet, a group of accused persons armed with bombs and other weapons allegedly attacked certain individuals, causing injuries and damage. However, not a single witness has narrated any part of such alleged occurrence before the Court. The evidence is completely silent regarding the time, place, manner and

circumstances of the alleged incident.

20. The identity and participation of the accused persons also remain wholly unproved. No witness has identified any accused person before the Court. No witness has stated that he saw any accused participating in the occurrence. Consequently, there is absolutely no evidence connecting the accused persons with the alleged offences.
21. The prosecution has further failed to prove the existence of any unlawful assembly. To establish offences under Sections 147, 148 and 149 IPC, the prosecution must prove not only the presence of five or more persons but also the existence of a common object as contemplated by law. In the present case, there is no evidence whatsoever regarding the formation of any assembly, its common object or the participation of the accused therein.
22. Likewise, the offences under Sections 324 and 427 IPC remain wholly unproved. No witness has deposed regarding any assault, any weapon, any injury caused by any accused or any act of mischief resulting in damage to property.
23. The charge under Section 9(b)(ii) of the Explosive Substances Act also remains entirely unsupported by evidence. No witness has spoken about possession, use or throwing of any explosive substance. No explosive material was produced before the Court. No seizure has been proved. No expert evidence has been adduced. The very foundation of the charge therefore remains unestablished.
24. It is also noteworthy that no medical evidence has been adduced despite the prosecution allegation that multiple persons sustained injuries. The alleged injured persons themselves have not supported the prosecution case, and no injury report or medical witness has been produced to corroborate the allegation of injuries.
25. The evidence on record therefore does not merely suffer from minor discrepancies or contradictions. Rather, there is a complete absence of substantive evidence regarding the occurrence itself. The prosecution has failed to establish the corpus of the offences alleged.
26. The Court is conscious that the incident is alleged to have occurred nearly three decades prior to the recording of evidence. Passage of time may affect memory. However, criminal conviction cannot be founded upon conjecture or the mere existence of allegations in the FIR. The prosecution must prove its case through legally admissible evidence adduced before the Court. That

burden has not been discharged in the present case.

27. Upon cumulative assessment of the entire evidence, this Court finds that the prosecution has failed to prove the occurrence, failed to establish the chain of events, failed to prove the identity and participation of the accused persons, failed to establish the existence of any unlawful assembly and failed to prove any of the essential ingredients of the offences charged.

28. It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot substitute proof. Where the evidence does not establish guilt beyond reasonable doubt, the accused are entitled to the benefit of doubt.

29. Accordingly, this Court holds that the prosecution has failed to prove beyond reasonable doubt that the accused persons committed offences punishable under Sections 147, 148, 149, 427 and 324 of the Indian Penal Code and Section 9(b)(ii) of the Explosive Substances Act. The point for determination is answered in the negative.

Hence, it is

ORDERED

that all remaining nine charge-sheeted accused are found **not guilty** of the offences under Sections 147, 148, 149, 427 and 324 of the Indian Penal Code and Section 9(b)(ii) of the Explosive Substances Act. **They are** hereby acquitted under Section **248 (1)** of the CrPC.

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, Purba Bardhaman, and the Secretary, District Legal Services Authority (DLSA), Purba Bardhaman, for due intimation to the victim and for necessary action.

Typed and corrected by me.

Judicial Magistrate,
Kalna, Purba Bardhaman
JO WB1370