

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

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

Judicial Magistrate, Kalna Purba Bardhaman

GR 506 of 18 (Reg. No. 143 of 19)

T.R. no. 58 of 19

Date of Judgment: 12.6.2026

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP, Rupam Majumder
Accused	Biswajit Ghosh and eight others
Represented by	

FORM B

Date of offence	From 19.1.18 to 22.2.18
Date of FIR	22.5.18
Date of Charge sheet	31.5.18
Date of framing of Charges	1.6.19
Date of commencement of Evidence	16.8.19
Date on which judgment is reserved	N.A.
Date of the judgment	12.6.26
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.	Biswajit Ghosh and eight others			u/S 147, 323, 354, 504, 506 IPC	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	Parbati Sardar	Informant/victim
P.W-2	Pinaki Sardar	Witness
P.W-3	Purnima Sarkar	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.	Exhibit P1	The signature of PW1 in the written complaint

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 22.5.18 at about 17:15 hours, a written complaint was lodged at Nadanghat Police Station by the informant, namely Parbati Sardar under Section 156(3) Cr.P.C. In the complaint, it was alleged that 19.1.2018 at about 4 pm the accused persons namely Biswajit Ghosh and eight others in drunken state entered her home, assaulted her with fists and blows, disrobed her and stole her cow and goat and again on 22.2.18 at about 2 pm i.e. after lodging written complaint at the concerned PS on 29.1.18, the accused persons again assaulted her with fists and blows, threatened her to kill her and she was treated at Srirampur hospital.

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. 111) was submitted under Sections 147, 323, 354, 504, 506 IPC against the **nine** 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, 323, 354, 504, 506 IPC. The charges were read over and explained to the accused. The accused pleaded "Not Guilty" and claimed to be tried.

Evidence on Record

4. During the trial, the prosecution examined the informant/victim namely Parbati Sardar as PW1, Pinaki Sardar as PW2 and Purnima Sardar as PW3. 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, 323, 354, 504, 506 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 Parbati Sardar deposed that she filed the instant case against Biswajit, Bhanu Sardar, Tulsi Sardar, Mona Sardar, Swapan Ghosh, Manika Sardar, Pratika Sardar, Kartick, and Namita. She deposed that the incident occurred about one year ago at about 4:00 p.m. and 2:00 p.m. at her house. She deposed that on the first day, the accused persons were creating a nuisance in a drunken condition and abused her. On the second occasion, her hen and goat were stolen from her house. She deposed that when she protested the next day at 2:00 p.m., they assaulted her by pressing her neck and with fists and blows. She deposed that she went to Nadanghat P.S., and her local villagers took her to Chandpur hospital. Because the police did not take any steps, she filed the instant Court case, drafted as per her instruction, and she identified her signature which was marked as Exhibit 1. She also identified three accused persons present in the Court room. During her cross-examination on 16.08.2019, she deposed that she cannot say the exact date of occurrence of the alleged incident. She deposed that the witnesses are her husband, son, daughter-in-law, and co-villager. She noted that the house of Kartick Roy is on the eastern side of her house, and the house of Mona and Tulsi is on the western side. During her further cross-examination, she deposed that her residence is adjacent to the accused person's residence and that a road passes in front of both houses. She

deposed that they have a prolonged dispute over the said road, as the accused persons use that road and they do not want them to use it. She admitted that the accused party had lodged one police case against them. However, she denied the defence suggestions that she lodged a false case due to the road dispute to counter their case, or that no incident of assault, nuisance, or theft occurred.

9. PW2 Pinaki Sardar deposed that the informant is her mother-in-law. She deposed that she does not know against whom her mother-in-law lodged the complaint and she does not know anything about this case. During cross-examination by the defence, she deposed that the Investigating Officer (I.O.) did not interrogate her.
10. PW3 Purnima Sarkar deposed that the informant is her neighbour. She deposed that she does not know against whom the informant lodged the complaint and she does not know anything about this case. During cross-examination by the defence, she deposed that the I.O. did not interrogate her.

Decision with Reasons

11. The prosecution is required to establish beyond reasonable doubt that the accused persons formed an unlawful assembly, voluntarily caused hurt to the informant, outraged her modesty, intentionally insulted her and criminally intimidated her. The burden always rests upon the prosecution and never shifts upon the accused.
12. The genesis of the prosecution case is somewhat unusual. According to the complaint, there were two distinct incidents. The first allegedly occurred on 19.01.2018 when the accused persons, in a drunken condition, entered the house of the informant, assaulted and disrobed her and stole her cow and goat. The second incident allegedly occurred on 22.02.2018 after she had already lodged a complaint before the police on 29.01.2018. Despite such serious allegations, the present proceeding was ultimately initiated through an application under Section 156(3) Cr.P.C. on 22.05.2018, several months after the alleged incidents.
13. The delay assumes significance because the allegations involve

serious offences including outraging modesty, assault and theft of livestock. No satisfactory explanation regarding the prolonged delay in invoking the jurisdiction of the Court has emerged from the evidence.

14. In the complaint, the allegations were that the accused persons entered her house in a drunken state, assaulted and disrobed her, stole her cow and goat, and thereafter assaulted and threatened her again on a later date. However, in her substantive evidence before the Court, PW1 did not support these allegations in their original form.
15. PW1 stated that on the first occasion the accused persons were creating nuisance in a drunken condition and abused her. She did not depose that she was disrobed. She did not state that the accused persons outraged her modesty. She did not narrate any specific act attributable to any accused which would constitute an offence under Section 354 IPC.
16. Regarding the second occurrence, PW1 stated that her hen and goat were stolen from her house and that when she protested the next day, she was assaulted by pressing her neck and by fists and blows. This version materially differs from the complaint, which alleged theft of a cow and goat during the first incident. Thus, the nature of the stolen property itself underwent a substantial change from "cow and goat" in the complaint to "hen and goat" in evidence.
17. Such inconsistency is not a minor discrepancy. The alleged theft of a cow is a significant allegation which would ordinarily be remembered by the informant. The variation regarding the property allegedly stolen creates doubt regarding the accuracy and reliability of the prosecution version.
18. Further, PW1 admitted during cross-examination that she cannot state the exact date of occurrence. The prosecution case itself is founded upon two separate incidents occurring on different dates. Inability of the informant to clearly identify the dates of occurrence further weakens the chain of events sought to be established.
19. The evidence of PW1 also reveals the existence of a longstanding dispute between the parties regarding use of a road passing in front of their respective houses. She admitted that the accused persons used the road and that her family objected to such use. She further

admitted that the accused party had already lodged a criminal case against them.

20. The existence of such prior litigation and road dispute does not by itself establish falsity of the prosecution case. However, it provides a possible motive for false implication and therefore requires the Court to seek independent corroboration before recording a conviction.
21. Unfortunately for the prosecution, no such corroboration is forthcoming. PW2 Pinaki Sardar, the daughter-in-law of the informant and a natural witness if any such occurrence had taken place in the family, completely disowned knowledge of the case. She stated that she does not know against whom the complaint was lodged and does not know anything about the incident. PW3 Purnima Sarkar, an independent neighbour, also stated that she does not know against whom the complaint was lodged and does not know anything about the case. Thus, both supporting witnesses failed to corroborate the allegations of assault, disrobing, abuse or criminal intimidation.
22. Significantly, despite allegations of theft of livestock, no evidence has been adduced regarding recovery of any stolen property. No seizure list has been proved. No witness has described the value, ownership or subsequent recovery of the allegedly stolen animals. Likewise, although the complaint contained allegations of disrobing and outraging modesty, no torn clothing was produced before the Court.
23. The prosecution has therefore failed to establish the ingredients of Section 354 IPC. There is no reliable evidence regarding use of criminal force with intent to outrage the modesty of the informant.
24. The offence under Section 323 IPC is also not proved. The allegation of assault rests solely on the testimony of PW1, which is uncorroborated and suffers from material inconsistencies regarding the chain of events.
25. The ingredients of Section 504 IPC have not been established as no specific abusive words or intentional insult likely to provoke breach of peace have been proved.
26. Similarly, the offence under Section 506 IPC remains unproved. No witness has described the nature of the alleged threat or established

that any alarm was caused thereby.

27.The prosecution has also failed to establish the existence of an unlawful assembly with a common object. No specific role has been attributed to each accused person. The evidence merely contains omnibus allegations against a large number of family members.

28.It is well settled that where the prosecution case suffers from material inconsistencies, absence of independent corroboration, unexplained delay, and admitted existence of prior enmity, the Court must exercise caution before acting upon such evidence.

29.In the present case, the evidence does not establish a complete and reliable chain of events. The allegations made in the complaint have not been consistently reiterated in Court. Important aspects such as disrobing, theft of a cow, and specific overt acts have either not been proved or have materially changed during trial.

30.The prosecution has therefore failed to prove beyond reasonable doubt that the accused persons committed offences punishable under Sections 147, 323, 354, 504 and 506 IPC. Accordingly, the point for determination is answered in the negative.

Hence, it is

ORDERED

that all nine charge-sheeted accused are found **not guilty** of the offences under Sections 147, 323, 354, 504 and 506 of the Indian Penal Code. **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