

IN THE COURT OF JUDICIAL MAGISTRATE AT KALNA PURBA
BARDHAMAN

Present: *Smt Suparna Roy-III,*
Judicial Magistrate
Kalna, Purba Bardhaman (I/C).

CASE NO: G.R.NO 183 of 2020 [T.R.264/2023]

CIS No.513/2023

C.N.R No-WBBD1200-1055-2023

DATE OF JUDGMENT: 30.03.2026

S T A T E

- Vs -

1. Rajkumar Kar,
2. Iti Kar,,
3. Supriya Bhattacharya
4. Falguni Bhattacharya(filed for
ever),
5. Sumitra Dan,
6. Mira Das,
7. Purnima Das,
8. Ujjwala Baidya and
9. Arjina Bibi .

.....Accused persons.

Contd..... (2)

[A case under sections 341/323/134 of I.P.C.]

J U D G M E N T

PROSECUTION CASE:

The brief case of the prosecution is that one Jyotsna Kar, W/o Shital Kar of Vill-Uttar Srirampur, P.S- Nadanghat, Dist- Purba Bardhaman lodged the complaint at Kalna Court alleging that on 01.02.20 at 12:00 hrs all the accused persons came to the house of the complainant assaulted the husband of the complainant and her son namely Subhankar Kar and abused them. On shouting the witnesses came to the spot and the accused fled away. Hence, the case was lodged.

Upon receipt of the complaint and treating the same as an FIR, Nadanghat PS case no.46 of 2020 dated 02.02.20 was started u/sec 341/323/325/354/34 of IPC against the FIR named accused persons.

During investigation the O.C claimed to have established a prima-facie charge against the above named accused persons and submitted charge-sheet against them for the offences u/sec 341/323/34 of I.P.C.

After taking Cognizance of the alleged offence, the case was transferred to this court and the same is taken in the file of this Court for trial. Accordingly the accused person is examined. The substance of the

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accusation was read over and explained to him to which he pleaded 'not guilty' and claimed to be tried and charge was framed u/S 341/323/34 of IPC.

Hence, this court proceeded for trial.

POINT FOR DETERMINATION:

1. Whether the accused person is liable to suffer conviction for the offences u/s 341/323/34 of I.P.C?
2. Whether the prosecution is able to prove the charges beyond the reasonable doubt?

EVIDENCE ON RECORD:

In the course of trial the prosecution has examined the following witness:

PW-1: Jyotsna Kar, the de-facto complainant.

PW-2: Subhankar Kar.

Let the signature of the de-facto complainant over the Court complaint be marked as Exhibit P1/1.

The defence did not adduce any evidence & it appears that the defence case is a mere denial of the prosecution case and a plea of innocence.

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D E C I S I O N W I T H R E A S O N S

It appears that PW-1 being the de-facto complainant stated that she lodged the complainant against total 9 persons. Accused Falguni Bhattacharya passed away and the incident occurred 4 years ago in the morning time in her house due to land dispute which is amicably settled now.

In her cross-examination she stated that she does not recall what was written in the complaint and I.O did not interrogate him and her husband Sital Kar passed away.

P.W 2 stated anything incriminating against the accused persons.

The statement of de facto- complainant examined as PW-1 and P.W 2 also demolishes the prosecution case. They could neither disclose nor corroborate the written complaint.

It is the duty of the Court that in order to sentence/punish the accused, the guilt of the accused must be proved beyond reasonable doubt. Clear, cogent and unimpeachable evidence must be produced by the prosecution before condemning the accused as a convict. In the present case, the prosecution has miserably

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failed to prove the guilt of the accused beyond the reasonable doubt.

In consequence thereof, I have no hesitation to hold that the prosecution has failed miserably to establish the guilt of the present accused as a result thereof, they are entitled to be acquitted from this case for lack of sufficient incriminating evidence against them.

Hence, it is,

O R D E R E D

that the accused persons namely, 1. Rajkumar Kar, 2. Iti Kar, 3. Supriya Bhattacharya, 4. Sumitra Dan, 5. Mira Das, 6. Purnima Das, 7. Ujjwala Baidya and 8. Arjina Bibi, are found not guilty for the offences punishable u/s 341/323/34 of I.P.C and are acquitted u/sec 255(1) of Cr.P.C. The accused persons are discharged from their bail bonds and they are set at liberty. The surety concerned, be discharged from their bonds after six months in view of section 437A Cr.P.C.

Seized alamt if any should be handed over to the person claiming to be entitled to the possession thereof as per section 452 of Cr.P.C.

Note in the T.R. Register.

Be it mentioned that the victim of this case has

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the right to prefer the appeal challenging this order in the upper forum and can take the assistance of free legal aid.

Let a copy of this Judgment be sent to the District Magistrate, Purba Bardhaman and District Legal Services Authority (DLSA) for due intimation to the complainant.(Jyotsna Kar, W/o Shital Kar of Vill-Uttar Srirampur, P.S- Nadanghat, Dist- Purba Bardhaman).

Dictated and Corrected by me:

Sd/-

Smt Suparna Roy-III

Judicial Magistrate

Kalna ,Purba Bardhaman

Sd/-

Smt Suparna Roy-III

Judicial Magistrate

Kalna Purba Bardhaman

Copy forwarded for information :-

1. The District Magistrate , Purba Bardhaman
2. The Secretary, DLSA, Purba Bardhaman

Sd/-

Smt Suparna Roy-III

Judicial Magistrate

Kalna ,Purba Bardhaman,

Sd/-

Smt Suparna Roy-III

Judicial Magistrate

Kalna Purba Bardhaman