

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 186 of 2006 [T.R.98/2017]

CIS No.889 / 2017

C.N.R No-WBBD1200-1168-2017

DATE OF JUDGMENT: 20.03.2026

S T A T E

- Vs -

- 1. Gopal Krishna Debnath**
- 2. Amit Ghosh (Filed for ever)**

.....Accused persons.

[A case under sections 448/353/506/34 of I.P.C.]

J U D G M E N T

PROSECUTION CASE:

The brief case of the prosecution is that the de-facto complainant namely, Bimal Kanti Majumdar, S/O- Achiram Majumdar, Vill- Jahannagar, P.S- Purbasthali, Dist-Purba Bardhaman, alleging that on 27.04.2006 when the complainant busy in his work at Panchayat at that time the accused persons obstructed him, abused him in

Contd.....(2)

slang and filthy languages. Hence, the case was lodged.

Upon receipt of the complaint and treating the same as an FIR, Purbasthali P.S case no. 88 of 2006 dated 27.04.2006 was started u/sec 448/353/506/34 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 448/353/506/34 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 was examined and plea was framed u/sec 448/353/506/34 of IPC. The same was read over and explained to the accused to which they pleaded 'not guilty' and claimed to be tried individually. Hence, the court proceeded for trial.

Hence, this court proceeded for trial.

POINT FOR DETERMINATION:

1. Whether the accused person is liable to suffer conviction for the offences u/s 448/353/506/34 of I.P.C?
2. Whether the prosecution is able to prove the charges beyond the reasonable doubt?

Contd..... (3)

EVIDENCE ON RECORD:

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

PW-1: Kalyan Kumar Roy.

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.

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

It appears that PW-1 namely, Kalyan Kumar Roy stated in his examination-in-chief that on 27.04.2006 he was posted at Purbasthali PS as S.I. The complaint was lodged by Bimal Kanti Majumdar. I.C Purbasthali P.S endorsed him this case for investigation. Then he prepared the formal FIR. Thereafter, he stated that he knows his handwriting and seal which be marked as Exbt P-1. He visited the P.O and prepared the rough sketch map with index and after conclusion of the investigation he submitted the charge-sheet bearing no. 117 of 2006, U/S 448, 353 & 506 IPC against two persons. After perusing the charge sheet he identifies his signature on it which be marked as Exbt P-2.

His cross-examination was declined.

It is settled principle that conviction can be based on the sole testimony of prosecutor or complainant apart from other documentary evidence and the testimony

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of prosecutor is sufficient to base conviction, however, the said testimony shall be credible and inspired enough confidence of the Court for conviction.

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 complainant himself failed to state anything specific against the accused persons relating to the offence alleged and thus the prosecution has miserably failed to prove the guilt of the accused beyond the reasonable doubt. In the instant case the testimony of P.W 1 is not reliable to base the conviction of the accused.

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, 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, **Gopal Krishna Debnath**, is found not guilty for the offences punishable u/s 448/353/506/34 of I.P.C and is acquitted u/sec 255(1) of Cr.P.C. The accused person is discharged from his bail bonds and he is set at liberty. The surety concerned, be discharged from their bonds after six months in view of section 437A Cr.P.C.

Contd..... (5)

Seized alamat 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 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 (Bimal Kanti Majumdar, S/O- Achiram Majumdar, Vill- Jahannagar, P.S- Purbasthali, Dist-Purba Bardhaman) .

Dictated and Corrected by me:

Sd/-	Sd/-
<i>Suparna Roy-III</i>	<i>Suparna Roy-III</i>
Judicial Magistrate	Judicial Magistrate
Kalna ,Purba Bardhaman,	Kalna Purba Bardhaman
J.0 code 01118	J.0 code 01118

Copy forwarded for information :-

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

Sd/-	Sd/-
<i>Suparna Roy-III</i>	<i>Suparna Roy-III</i>
Judicial Magistrate	Judicial Magistrate
Kalna ,Purba Bardhaman,	Kalna Purba Bardhaman
J.0 code 01118	J.0 code 01118

