

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

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

Judicial Magistrate, Kalna Purba Bardhaman

GR 1073 of 12 (Reg. No. 791 of 23)

T.R. no. 397 of 23

Date of Judgment: 09.04.2026

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP, Rupam Majumder
Accused	Buddhadeb Barui (Deceased) and another
Represented by	

FORM B

Date of offence	27.9.12
Date of FIR	3.11.12
Date of Charge sheet	30.11.12
Date of framing of Charges	18.8.23
Date of commencement of Evidence	28.3.24
Date on which judgment is reserved	N.A.
Date of the judgment	9.4.26
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.	Sankar Barui			u/S 341, 323, 325, 506 and	Acquitted	N.A	N.A

				34 IPC			
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FORM C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W-1	Suman Bagchi	Informant/victim
P.W-2	Dipankar Halder	Witness
P.W-3	Nakul 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 P1/1	The signature of PW1 in the 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 3.11.12 at about 11:25 hours, a written complaint was lodged at Kalna Police Station by the informant, namely Suman Bagchi under Section 156(3) Cr.P.C. In the complaint, it was alleged that on 27.9.12 at about 10:30 hrs. the accused Buddhadeb Barui and another restrained him and assaulted him with fists and blows, stick resulting in injuries and they stole his cash.

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. 497) was submitted under Section 341, 323, 325, 506 and 34 IPC against the **two** accused. Cognizance of the offences was taken by the competent Court, and the case was subsequently transferred to this Court for adjudication. CS accused no. 1 passed away and the case is abated against him.

Framing of Charge

3. This Court framed charges against the accused under Section 341, 323, 325, 506 and 34 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 witnesses namely Suman Bagchi as PW1, Dipankar Halder as PW2 and one Nakul Sarkar as PW3. The signature of PW1 in the written complaint is marked as Exhibit P1/1. 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 their 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 is guilty of committing offences punishable under Section 341, 323, 325, 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 Suman Bagchi deposed that he lodged the complaint against Buddhadeb Barui and Sankar Barui. He deposed that Buddhadeb Barui has passed away and Sankar Barui was not present in the court room, though he noted he could identify him if he was present. He deposed that the incident occurred in the year 2012 at about 2:00 p.m. at Madhuban over a monetary dispute. He further deposed that at present, their dispute is amicably settled and he does not recall anything else. He identified his signature on the complaint, which he stated was written as per his instruction (marked as Exhibit P1/1). During cross-examination by the defence, he deposed that the Investigating Officer (I.O.) did not interrogate him and that he does not recall what was written in his complaint.
9. PW Dipankar Haldar deposed that he knows the informant as his friend. He deposed that he knows the informant lodged the complaint against Buddhadeb Barui, who has passed away, and stated he could identify the other accused if he was present. He deposed that the complaint was lodged due to a dispute, and at present, their dispute is amicably settled. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.
10. PW3 Nakul Sarkar deposed that he knows the informant as his neighbour. He deposed that he knows the informant lodged the complaint against Buddhadeb Barui, who has passed away, and noted he could identify the other accused if he was present. He deposed that the complaint was lodged due to a dispute, which is

amicably settled at present. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.

Decision with Reasons

11. The accused has been charged for the offences punishable under Sections 341, 323, 325 and 506 of the Indian Penal Code. It is a settled principle of criminal jurisprudence that the prosecution must prove its case beyond reasonable doubt and the burden of proof always rests upon the prosecution. The presumption of innocence in favour of the accused is a fundamental principle and unless the prosecution establishes the essential ingredients of the offences through reliable and convincing evidence, the accused is entitled to benefit of doubt.
12. In order to establish an offence under Section 341 IPC, the prosecution must prove wrongful restraint. For Section 323 IPC, the prosecution must prove voluntary causing of hurt. To attract Section 325 IPC, the prosecution must further prove that grievous hurt was voluntarily caused. For Section 506 IPC, the prosecution must establish criminal intimidation. Unless these essential ingredients are proved through cogent evidence, conviction cannot be sustained.
13. In the present case, the prosecution examined three witnesses namely PW1 Suman Bagchi, the informant, PW2 Dipankar Halder and PW3 Nakul Sarkar. The entire prosecution case rests upon their testimony.
14. PW1 Suman Bagchi deposed that he lodged the complaint against Buddhadeb Barui and Sankar Barui and that Buddhadeb Barui has passed away. He further deposed that the incident occurred in the year 2012 over a monetary dispute and that at present the dispute has been amicably settled. He categorically deposed that he does not recall anything else regarding the incident. He also stated during cross examination that the Investigating Officer did not interrogate him and that he does not recall what was written in his complaint. Thus, the informant himself has not supported the prosecution case and has materially resiled from the allegations made in the complaint.
15. The evidence of PW1 does not establish wrongful restraint, assault, grievous hurt or criminal intimidation. He has not described any specific overt act of the accused. He has also not stated that he sustained injuries due to assault. The essential ingredients of the alleged

offences are thus not established from his testimony.

16. PW2 Dipankar Haldar deposed that he knows the informant and that the complaint was lodged due to a dispute which has been amicably settled. He did not depose regarding witnessing any incident of assault or restraint. He further deposed that the Investigating Officer did not interrogate him. Thus, PW2 is not an eye witness to the occurrence and his testimony does not support the prosecution case.
17. Similarly, PW3 Nakul Sarkar deposed that he knows the informant and that the complaint was lodged due to dispute which is amicably settled. He also did not depose regarding any occurrence of assault or restraint. He further stated that the Investigating Officer did not interrogate him. Thus, PW3 also does not support the prosecution case.
18. It is evident from the evidence of PW1, PW2 and PW3 that none of the witnesses have supported the prosecution case. No witness has deposed regarding wrongful restraint, assault, grievous hurt or criminal intimidation. The prosecution has failed to establish any specific overt act of the accused.
19. It is further settled that the complaint or FIR is not substantive evidence and can only be used for corroboration or contradiction of its maker. When the maker of the complaint himself does not support the allegations and states that he does not recall the incident, the complaint loses its evidentiary value and cannot form the basis of conviction.
20. It is also noteworthy that no medical evidence has been produced to establish grievous hurt under Section 325 IPC. No doctor has been examined. No injury report has been proved. In absence of medical evidence, the allegation of grievous hurt remains unsubstantiated.
21. The Investigating Officer has also not been examined. The witnesses have stated that they were not interrogated by the Investigating Officer. These circumstances further create doubt regarding prosecution case.
22. The evidence on record also reveals that the alleged occurrence took place in the year 2012 and the parties have amicably settled the dispute. Though settlement itself is not a ground for acquittal, however, when the witnesses do not support the prosecution case and there is no other evidence on record, the accused is entitled to benefit of doubt.
23. Upon careful appreciation of the entire evidence on record and applying settled principles of criminal jurisprudence, this Court is of

the considered opinion that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt.

Hence, it is **ORDERED**

that the sole charge-sheeted accused is found **not guilty** of the offences under Section 341, 323, 325 and 506 IPC. **He is** hereby acquitted under Section 248 (1) of the Cr.P.C.

The bail bond 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 as defined under Section 2(wa) of the Cr.P.C. and for necessary action.

Typed and corrected by me.

Judicial Magistrate,
Kalna, Purba Bardhaman
JO WB1370