

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KALNA,
DISTRICT: PURBA BARDHAMAN.

Present: Smt. Suparna Roy (III).
Learned Additional Chief Judicial Magistrate,
Kalna, Purba Bardhaman.
J.O Code- WB01118

G.R Case No. 505 of 2025
(CNR No. WBBD1200-2049-2026)
(Reg. No. GR/1201-2026)

(Arising out of Kalna P.S case no. 244 of 2025 dated 05.03.2025)

(Charge Under Section 329(4)/115(2)/351(2)/3(5) of BNS)

STATE OF WEST BENGAL

VERSUS

1. Shaktipada Rajak.
2. Tumpa Rajak.
- 3) Raju Rajak.
- 4) Sanchita Rajak @ Kundu.
- 5) Sujata Rajak.
- 6) Ashok Rajak.
- 7) Tapati Rajak.
- 8) Sushila Rajak.
- 9) Bappa Rajak.

Date of Delivery of Judgment : Kalna the 30th June, 2026

J U D G M E N T

The prosecution case started on the basis of the written complaint lodged by the defacto complainant Jita Kundu of Kalna P.S . It has been alleged by the de facto complainant that on 17.09.2024 at about 9.30 p.m. accused persons assaulted the defacto complainant with iron rod and wooden stick and also outraged her modesty. Then de facto complainant lodged this case.

On the basis of the aforesaid written complaint Kalna P.S case no. 244 of 2025 dated 05.03.2025 charge Under Section 329(4)/115(2)/351(2)/3(5) of BNS was started against the FIR named accused persons. On completion of investigation, the concerned investigating

officer (I.O) submitted the charge sheet under Section 329(4)/115(2)/351(2)/3(5) of BNS against the accused persons.

The Court of Ld A.C.J.M, Kalna proceeded for trial after supplying copy to the accused persons.

Plea was made against the accused persons under Section 329(4)/115(2)/351(2)/3(5) of BNS . The contents of charges were read over and explained to the accused persons who pleaded not guilty and claimed to be tried. Hence this trial.

Defence did not adduce any evidence. However, from the statements of the accused persons u/s 351 of BNSS and the trend of cross-examination of the prosecution witnesses, it appears that the defence case is that of denial of the prosecution case and plea of innocence.

Points for determination:-

1. Whether the accused persons have committed the offence punishable under Section 329(4)/115(2)/351(2)/3(5) of BNS ?
2. Whether the prosecution has been able to prove its case beyond all shadow of reasonable doubt?

EVIDENCE ON RECORD:-

PW-1 : Jita Kundu.

P.W-2 : Swarabindu Kundu.

DECISION WITH REASONS.

Time has come to pave through the materials on record to fathom out as to how far the prosecution has been able to bring home its case against the present accused persons.

Point No. 1 & 2 :-

I take up the opportunity to discuss both the points as they are closely related with each other.

In order to bring home the charges against the accused persons, the prosecution must prove its case beyond a shadow of reasonable doubt.

Now let me go through the evidence of witnesses examined by the prosecution.

PW-1, the defacto complainant of this case, Jita Kundu of this case deposed as P.W-1. She stated that last year at about 1.00 p.m. one dispute cropped up between her and the accused persons. At present the matter in dispute has been settled amicably with the intervention of well wisher.

PW-2, Swarabindu Kundu, husband of the defacto complainant of this case, of this case deposed as P.W-2. He stated that last year at about 1.00 p.m. one dispute cropped up between her and the accused persons. At present the matter in dispute has been settled amicably with the intervention of well wisher.

The settled principle of Criminal Law is that if the prosecution wants to prove the fact, the same must be proved by leading evidence which must be reliable-trustworthy and conclusively proves the guilt of the accused persons. But in this case, I cannot hold that the evidence laid conclusively establishes the guilt of the accused persons.

There is a significant difference between the words “may be true” and “must be true”. Suspicion, however strong can never replace the place of proof. The way from may be true to must be true shall have to be paved out by the prosecution with cogent and reliable evidence. In this instant case, such evidence is not forthcoming from the end of the prosecution. Accordingly, this being the situation it is my considered view that the accused persons should get benefit of doubt.

From the evidence of prosecution witnesses nothing has transpired which can direct the arrow of suspicion to the present accused persons. The key witnesses of the Prosecution have not supported the case. Therefore, after giving a serious cogitation to the materials on record, this Court can safely come to the conclusion that the prosecution has miserably failed to prove its case against the accused persons. Therefore, the accused persons deserve to be acquitted from this case.

In result, the prosecution fails.

Hence, it is,

ORDERED

that the accused persons named above are found not guilty of the offence punishable under sections under Section 329(4)/115(2)/351(2)/3(5) of BNS and they are acquitted **u/s 278(1) of BNSS.**

The accused persons be discharged from their respective bail bonds and be set at liberty forthwith.

The sureties are discharged as well.

The seized alat, if any, be destroyed after the appeal period.

NOTE : THE FAMILY OF THE VICTIM IN THIS CASE SHALL HAVE THE RIGHT TO PREFER AN APPEAL, THEY SHALL BE ENTITLED TO AVAIL FREE LEGAL AID AND ASSISTANCE THROUGH KALNA SDSLC TO PREFER AND PROSECUTE SUCH APPEAL.

NOTE : LET A COPY OF THIS JUDGMENT OF ACQUITTAL BE FORWARDED TO THE DISTRICT MAGISTRATE AND SECRETARY, DLSA, PURBA BURDWAN FOR DUE INTIMATION TO THE VICTIM.

NOTE : Details of the de facto complainant of this case is as follows :-

Name of the de facto complainant : Jita Kundu.

S/O of : Swarabindu Kundu.

Village : Singarkone P.S. : Kalna. District : Purba Bardhaman.

Dictated and Correct by me.

A.C.J.M Kalna.

(SUPARNA ROY-III)
Additional Chief Judicial Magistrate
Kalna Purba Bardhaman.
J.O Code- WB01118