



Presented on : 29-09-2022  
Registered on : 29-09-2022  
Decided on : 03-12-2025  
Duration : 3 years, 2 months, 4 days

FORM A

|                                                                                                                                                                                                                                                                |                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,<br>GHATAL, PASCHIM MEDINIPUR<br><b>Present: Sri Arindam Chakraborty,</b><br><b>Additional Chief Judicial Magistrate,</b><br><b>Ghatal, Paschim Medinipur</b><br><b>Judicial Officer's Code : WB01077</b> |                                                                   |
| Wednesday, the 3 <sup>rd</sup> day of December, 2025<br>N.G.R Case No. 2588 of 2022<br>Trial No. 611 of 2022<br>Daspur P.S GDE No. 591 dated 12.01.2022                                                                                                        |                                                                   |
| COMPLAINANT                                                                                                                                                                                                                                                    | State of West Bengal                                              |
| REPRESENTED BY                                                                                                                                                                                                                                                 | Mr. Naimuddin Ahmed                                               |
| ACCUSED                                                                                                                                                                                                                                                        | 1. Uttam Deb (A1)<br>2. Kohinoor Bibi (A2)<br>3. Jyotsna Deb (A3) |
| REPRESENTED BY                                                                                                                                                                                                                                                 | Sri Subhasish Chakraborty                                         |

FORM B

|                                      |                |
|--------------------------------------|----------------|
| Date of Offence                      | 12.01.2022     |
| Date of FIR                          | 12.01.2022     |
| Date of Charge sheet                 | 03.03.2022     |
| Date of Framing of Charges           | 30.08.2023     |
| Date of commencement of Evidence     | 07.05.2024     |
| Date on which Judgment is reserved   | Not Applicable |
| Date of the Judgment                 | 03.12.2025     |
| Date of the Sentencing Order, if any | Not Applicable |

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 purpose of Section 428, Cr.P.C. |
|---------------------|---------------------|----------------|-------------------------|------------------------|--------------------------------|------------------|--------------------------------------------------------------------------------|
| A1                  | Uttam Deb           | Not Applicable | 06.07.2022              | Under Sections 506 IPC | Acquitted                      | Not Applicable   | Not Applicable                                                                 |
| A2                  | Kohinoor Bibi       | Not Applicable | 06.07.2022              | Under Sections 506 IPC | Acquitted                      | Not Applicable   | Not Applicable                                                                 |
| A3                  | Jyotsna Deb         | Not Applicable | 06.07.2022              | Under Sections 506 IPC | Acquitted                      | Not Applicable   | Not Applicable                                                                 |

Dictated and corrected by me.  
Sd/- A. Chakraborty  
Additional Chief Judicial Magistrate at Ghatal, Paschim Medinipur.



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FORM C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

| RANK  | NAME             | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE<br>WITNESS, EXPERT WITNESS,<br>MEDICAL WITNESS, PANCH<br>WITNESS, OTHER WITNESS) |
|-------|------------------|-----------------------------------------------------------------------------------------------------------------------------|
| PRW 1 | Jayanta Dey      | Independent witness                                                                                                         |
| PRW 2 | Asit Kumar Manna | Independent witness                                                                                                         |

B. Defence Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE<br>WITNESS, EXPERT WITNESS,<br>MEDICAL WITNESS, PANCH<br>WITNESS, OTHER WITNESS) |
|------|------|-----------------------------------------------------------------------------------------------------------------------------|
| DW   | NIL  |                                                                                                                             |

C. Court Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE<br>WITNESS, EXPERT WITNESS,<br>MEDICAL WITNESS, PANCH<br>WITNESS, OTHER WITNESS) |
|------|------|-----------------------------------------------------------------------------------------------------------------------------|
| CW   | NIL  |                                                                                                                             |

LIST OF PROSECUTION / DEFENCE /COURT EXHIBITS

A. Prosecution:

| Sr.<br>No. | Exhibit Number | Description |
|------------|----------------|-------------|
| 1.         | Exhibit        | NIL         |

B. Defence:

| Sr.<br>No. | Exhibit Number | Description |
|------------|----------------|-------------|
| 1.         | Exhibit        | NIL         |

C. Court Exhibits:

| Sr.<br>No. | Exhibit Number | Description |
|------------|----------------|-------------|
| 1.         | Exhibit        | NIL         |



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**D. Material Objects:**

| Sr. No. | Material Object Number | Description |
|---------|------------------------|-------------|
| 1.      | MO                     | NIL         |

**JUDGMENT**

- 1.** On 12.01.2022 at about 9 AM Daspur police station received one telephonic call as duty officer Jitendranath Bhunia received the same and the informant disclosed her identity as Kohinoor Bibi W/O. Sk. Ayub Khan of Shyamsundarpur village. The informant disclosed that just the day before her neighbour Uttam Deb and his wife Jyotsna Deb addressed her with abusive languages on the issue of making nuisance. It is further informed that the informant then sitting in front of the house of such Uttam Deb with sharp cutting weapon in her hand. The duty officer entered the information in general diary in respect of entry No. 591 dated 12.01.2022. On 02.03.2022 Sub Inspector Dipak Pramanik has made prayer before the then Additional Chief Judicial Magistrate, Ghatal to investigate the matter as the preliminary information disclosed some non-cognizable offence. On the same date the prayer was allowed.
- 2.** After the conclusion of the investigation, the police officer reported to the court that during the investigation conducted locally in the presence of local people and available witnesses, revealed that on 11.01.2022 at evening Uttam Deb and his wife threatened the informant Kohinoor in dire consequence over the issue of throwing foul water on their property as well as regarding further dispute of properties. In reply to that Kohinoor Bibi armed with one sharp cutting weapon (Bonti) threatened both Uttam Deb and his wife on 12.01.2022. During investigation the police officer found both parties desperate and intimidated each other over the issue of previous animosity and land dispute. The investigating officer, with the specific



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observation that the persons are desperate, filed the complaint in this case through NCR 758 of 2022, making allegations against the aforesaid three accused persons under Section 506 of the IPC.

**3.** The then Ld. ACJM Ghatal took cognizance of offence against the aforesaid accused persons on 17.05.2022 and case was transferred to the personal file of the Court of Ld. Additional Chief Judicial Magistrate, Ghatal for trial and adjudication on 14.09.2022.

**Charge :**

**4.** On perusal of entire materials this court explained the material allegations put against the accused persons by explaining them under Sections 251 of the Code of Criminal Procedure. In course of such exercise the substance of accusations were read over and explained to the accused persons by explaining their alleged conduct having the capacity to attract the penal provision under Section 506 of Indian Penal Code to which the accused persons abjured their guilt and claimed trial over such accusations. Hence, this trial.

**Prosecution evidence, examination of accused persons under Section 313 of Code of Criminal Procedure & D.W., if any :**

**5.** During trial, prosecution examined two witnesses and both the witnesses are independent witness. No Exhibit was marked during the evidence of the prosecution.

**6.** One Jayanta Dey came before this Court as first witness and said that he do not know anything regarding the case. The second witness Asit Kumar Manna being one resident of Shyamsundarpur appears to have knowledge about all the accused persons but denied his knowledge anything about the incident dated 11.01.2022. The witness also makes it improbable about the claim of the police officer regarding he was interrogated in connection with this case.

**7.** The prosecution cannot also rely police officer Dipak Kumar Pramanik, being the Investigating Officer after investigation of the



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case filed the report as against three accused persons. Therefore, the report being complaint here not even proved by way of supporting evidence to take it on judicial notice.

**8.** After examination of the witnesses on behalf of the prosecution, the accused persons were examined under Section 313 of the Code of Criminal Procedure to explain the available incriminating materials prosecution able to impute against and while giving answers in the form of explanation the accused persons mainly took the stand that they have nothing to say as their explanation over the available incriminating materials projected against them except their innocence.

**9.** The defence case as can be gathered from the trend of cross-examination is basically pure denial regarding the allegations as regards the details of materials, manner and other details of the offence alleged against. No evidence led on behalf of the defence.

**Points for Consideration :**

**10.** Whether the prosecution can establish beyond reasonable doubt that the accused persons threatened each other with any injury to their persons, reputation or property with intent to cause alarm or to cause them to do any act which they are not legally bound to do, or omit to do any act which they are legally entitled to do, as a means of avoiding the execution of such threat in the manner, date, place and time as reported here in this record and thereby committed offence punishable under Section 506 of IPC ?And

Whether the prosecution has been able to prove the guilt of all the accused persons beyond any reasonable doubt ?

**Decision with Reasons :**

**11.** In the penal provision while defining the term “Criminal intimidation” the legislators defined it in two specific parts, the first part referring to the act of threatening another with injury to its



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person, reputation or property or to the person or reputation of anyone in which that person is interested, and the second part referring to the intent with which the threatening is carried out and it is also of two categories, one to cause alarm to the person threatened and the second to cause that person to do any act which he is not legally bound to do or to omit to do any act which the person is legally entitled to do, as the means of avoiding the execution of threat. Therefore, the threat must be communicated or uttered with the intention of its being communicated to the person threatened with the object of influencing the mind. Therefore, the intention referred to in the Section is an essential ingredient of the offence under this Section. Therefore, the burden of proof rests with the prosecution to establish the intention to relate it directly by proof of the existence of motive with the establishment of fact by clear proof that factually there appears something which can influence the adjudicating authority to think that the existence of earlier fact is the most probable cause translated into such effect.

**12.** In course of weighing the evidence on record the Court can primarily find that though the police report filed as complaint but unfortunately the same could not be established with adequate proof in respect of the same to make it convenient to bring on judicial notice. On top of that the other evidences on record are not at all inspiring to hold that what the informant was claiming about the version of the incident is one absolute truth. It is clearly appearing that the first two prosecution witnesses denied their knowledge about the alleged happening of the incident. The complainant remained absent. The available prosecution witnesses either directly contradicted the version of the informant or could not corroborate the same from the very core of it. Those particular void-ness of the



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prosecution case literally cannot inspire the mind of the Court regarding probability of truth behind the allegation. There is hardly any evidence to satisfy the conscience of the Court about the probability of the event alleged, the Court can not believe the testimonies in order to form any opinion blindly. The particular manner of deposition of the available witnesses and dearth of satisfactory evidence certainly does not inspire confidence of this Court to read them together with a view to have any definite conclusion except the fact that the allegation is short of proof.

**13.** In such dearth of evidence the Court has got a natural presumption to believe that such allegations of the informant labeled against the accused persons are contaminated by the foul of improbability. I do not find the evidence put forward by the prosecution are enough to find responsibility of the accused persons in commission of the alleged crime. In effect there is nothing on record to say that the prosecution can even succeed to adduce evidence in order to display any case, far less, influencing incriminating materials against the accused persons.

**14.** In *Sohon & Anr. vs. State of Haryana & Anr.* reported in (2001) SCC (Cri.) 587 Hon'ble Supreme Court of India decided that the need of proof to be beyond reasonable doubt and if the prosecution case is not proved beyond reasonable doubt then the accused person is to be presumed innocent. Accordingly, here, the prosecution has failed to prove the charge against accused person beyond reasonable doubt. Actus reus or the wrongful act as alleged against the accused person cannot be said to have been proved and for such reason the accused person get the benefit of doubt impelling acquittal from the charge so framed against him.

**15.** In view of the above, I am of the opinion that the prosecution



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has miserably failed to prove the guilt of the accused person for offences under Section 506 of the Indian Penal Code. Accordingly, the accused person be found not guilty of the offence under Section 506 of the Indian Penal Code and he should be acquitted from this case. I have also considered the question as to whether a case of awarding compensation to the victim has been made out or not, as per mandate of the case reported as **Suresh and Anr. Vs. State of Haryana**, cited in **(2015) 2 SCC 227**. After completion of trial, I am unable to find any tangible material to show that the projected victim was at all suffered any harm due to the commission of alleged crime. As such, I am of view that no specific case of grant of compensation could be made out, and that no compensation shall be granted to the victim.

**16.** Hence, it is,

### **ORDERED**

that the aforesaid accused persons namely **1. Uttam Deb (A1), 2. Kohinoor Bibi (A2)** and **3. Jyotsna Deb (A3)** are found not guilty for the commission of offence under Section 506 of the Indian Penal Code and he is acquitted under section 255(1) of the Code of Criminal Procedure.

**17.** The accused persons are on Court bail. Bail bonds shall remain in force for the next six months as per the mandate of Section 437A of the Code of Criminal Procedure.

**18.** The judgment is delivered in open Court.

**19.** Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of Cr.R.O. of the Hon'ble High Court, Calcutta.

**20.** Make necessary noting in the germane register.

**21.** The victim has a right to prefer an appeal under the provision to Section 372 of the Code of Criminal Procedure and if necessary she is



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entitled to avail free legal assistance through Legal Services Authorities concerned to prefer & prosecute such appeal.

**22.** Let a copy of this judgment be forwarded to the District Magistrate, Paschim Medinipur & Secretary, DLSA, Paschim Medinipur for due intimation to the victim as defined under Section 2(wa) of the Code of Criminal Procedure.

**23.** B.C.- I and B.C.- II to comply.

**Dictated and corrected by me,**

**Sd/- A. Chakraborty**

**Additional Chief Judicial Magistrate,  
Ghatal, Paschim Medinipur**

**Additional Chief Judicial Magistrate,  
Ghatal, Paschim Medinipur**