

Form No. (M) 34

FORM A

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, ASANSOL,
PASCHIM BARDHAMAN.**

**Present: Smt Indrani Gupta
Chief Judicial Magistrate,
JO Code WB 00994**

Date of delivery of judgement: The 24th day of March, 2026

**G.R Case No. 410 of 2022
CIS No. GR 196 of 2026
CNR WBBD160- 05265-2026
T.R. No. 50 of 2024**

Jamuria P.S. Case No.56/2022 dtd. 04.02.22 u/s

448/323/341/325/379/506/354/448/34 of IPC

COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. APP Sri.Manoj Kumar Singh
ACCUSED	Dilip Ghosh, Alok Ghosh, Samir Ghosh, Namita Ghosh and Chaina Ghosh
REPRESENTED BY	N.K. Ghosh

Form No. (M) 35

FORM B

Date of Offence	23.01.2022
Date of FIR	On 04.02.2022
Date of Chargesheet	On 31.07.2021
Date of Framing of Charge	On 16.03.2026
Date of commencement of Evidence	On 16.03.2026
Date on which Judgement is reserved	Not applicable
Date of Judgement	On 24.03.2026
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 or Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1.	Dilip Ghosh	23.02.2022	23.02.2022	Section 323/341/506/34 of IPC	Acquitted	N.A.	N.A.
2	Alok Ghosh	23.02.2022	23.02.2022	Section 323/341/506/34 of IPC	Acquitted	N.A.	N.A.
3	Samir Ghosh	23.02.2022	23.02.2022	Section 323/341/506/34 of IPC	Acquitted	N.A.	N.A.
4	Namita Ghosh	23.02.2022	23.02.2022	Section	Acquitted	N.A.	N.A.

				323/341/50 6/34 of IPC			
5	Chaina Ghosh	23.02.2022	23.02.2022	Section 323/341/50 6/34 of IPC	Acquitted	N.A.	N.A.

Facts of the case

1. The written complaint filed by the defacto complainant Kalipada Ghosh before the this Court was forwarded to Jamuria Police Station under Section 156(3) of the Criminal Procedure Code with a direction to treat the same as FIR. Accordingly, Jamuria Police Station Case No.56 of 2022 dated 04.02.2022 u/s 448/323/341/325/379/506/354/448/34 of IPC

2. In the the written complaint, the complainant alleged that on 23.01.22 at about 09.30 pm the accused persons of this case wrongfully restrained the complainant and also assaulted and threatened him with dire consequence

3. On completion of investigation, police authorities submitted charge sheet being no. 97/2022 dated 31.03.2022 against the accused person under sections 341/447/448/323/354/506/34 of the Indian Penal Code.

4. The accused person surrendered and was released on bail on 23.02.2022

5. The accused persons were examined under section 251 Criminal Procedure Code and the particulars of the offence alleged was read over and explained to him and he was informed that he was being charged under sections 341/323/506/34 Indian Penal Code. The accused persons plead to be not guilty and claimed to be tried.

6. In order to prove their case, the prosecution adduced one witnesses who was also cross examined by the defence.

7. The accused persons were examined under section 313 Criminal Procedure Code and during examination they declined to adduce evidence on their behalf.

8. The defence case is of plea of innocence.

POINTS FOR CONSIDERATION

9. Whether prosecution succeeded in proving the charge under section 323/341/506/34 of the Indian Penal Code against the accused persons beyond all reasonable doubt?

DECISION WITH REASONS

Value of oral evidence of the prosecution

10 P.W. 1, being the complainant of this case deposed in court and identified the accused person in open Court and stated that out of misunderstanding, he lodged the present case. He further stated that the disputes have been settled outside Court and that he has no objection if the accused person is acquitted from this case.

11. P.W. 2 being the wife of the complainant in this case deposed on dock and corroborate the fact of the complainant and stated that the matter has been settled between the parties and she did not want to proceed with the case.

12. Thus in considering the fact that the alleged victim /complainant did not support the prosecution case, it can be safely held that the prosecution has failed to sustain the charge leveled against the accused persons u/s 323/341/506/34 of the Indian Penal Code. The accused persons are thus liable to be acquitted.

ORDERED

that the accused persons Dilip Ghosh, Alok Ghosh, Samir Ghosh, Namita Ghosh and Chaina Ghosh are not found guilty of the offence u/s 323/341/506/34 of Indian Penal Code and therefore, they are acquitted u/s 255(1) of Cr. P.C. Accused persons are discharged from their respective bail bonds and set to liberty at once.

Seized documents if any be returned from whom seized.

Inform the complainant through the Secretary, District Legal Services Authority, Paschim Bardhaman, of her right to prefer an appeal under proviso to section 372 of Cr.P.C. against this judgment.

Let a copy of this judgement be sent to the District Magistrate, Paschim Bardhaman in terms of the direction of the Hon'ble Calcutta High Court made in the case of Sabitri Bhunya VS the State of West Bengal and Others (CRA 266/2020 with CRAN 01/2020) for information.

Note in the T.R.

Dictated & Corrected,

C. J. M.,

Chief Judicial Magistrate,
Paschim Bardhaman.
24.03.2026

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APPENDIX**Form C****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS)
PW-1	Kalipada Ghosh	Complainant
PW-2	Nathubala Ghosh	witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS)
N.A.	N.A.	N.A.

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS)
N.A.	N.A.	N.A.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit Number	Description

B. Defence:

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

D. Material Objects:

<i>Sr. No.</i>	<i>Material Object Number</i>	<i>Description</i>
<i>N.A.</i>	<i>N.A.</i>	<i>N.A.</i>

Dictated & Corrected,

C. J. M., CJM.

*Chief Judicial Magistrate,
Paschim Bardhaman.
24.03.2026*