

IN THE COURT OF JUDICIAL MAGISTRATE
2nd COURT, ASANSOL, PASCHIM BARDHAMAN

Present: Ms. Aparna Chatterjee
Judicial Magistrate,
2nd Court, Asansol
JO Code- WB 01200
Date of Delivery of Judgment: The 02nd day of June 2026
G.R. Case No. 1453/19 (CIS No. 1453/ 2019)
(CNR No. WBBD16-020576-2019)
TR No. 557/19
(Arising out of Asansol (S) PS Case No.192/19 dated 08.07.19)

Complainant	State of West Bengal
Represented by	Smt. Tamashi Konar
Accused	1. Sankar Kar
Represented by	Mr. S. Chakraborty

FORM B

Date of Offence	28.06.19
Date of FIR	08.07.19
Date of Charge Sheet	19.07.19
Date of Framing of Plea	30.07.22
Date of Commencement of Evidence	11.05.26
Date on which Judgment is reserved	N.A.
Date of Judgment	02.06.26
Date of Sentencing Order, if any	N.A.

Accused Details:

Ran k of the Acc use d	Name of Accused	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sente nce impo sed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
1	Sankar Kar	Surren dered	16.07.19	448/323/506 of IPC	Acquitted	N.A.	NIL

Form C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Jhantu Roy	Complainant

B. Defence Witness, if any : None

C. Court Witness, if any: None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits:

Srl. No.	Exhibit Number	Description
Nil	Nil	Nil

B. Defence Exhibits : Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

JUDGMENT

1. The prosecution case in brief is that the accused person Purnima Roy left her matrimonial house without giving any information with the accused No 5.Atanu Mondal .Whenever the complainant requested Purnima Roy but the accused No 1 ie Purnima Roy had deferred his request. On 28th June 2019 at 9.00 a.m. the accused persons suddenly and forcibly entered into the house of the complainant and threatened the complainant to put signature in blank documents for the divorce between the complainant and the accused person No 1. Then the complainant refused that demand the accused person No 1 and 5 became furious and assaulted the complainant at her person and damage the wearing apparels of the complainant and broken the household articles by applying criminal force hearing the hue and cry. The accused person No 1 had snatched a new purchased Redmi Mobile set from the possession of the complainant . Thereafter the complainant Jhantu Roy had lodged this complainant before the Ld. C.J.M. Asansol Court.

2. On the basis of the complaint u/s 156 (3) Cr.P.C., the O/C, Asansol (S) PS started Asansol (S) PS Case No 192/19 dated 08.07.19 . After completion of the investigation, the I/O namely SI Goutam Karmakar of Asansol (S) P.S. had submitted Charge-sheet No 177/19 dated 19.07.19 under section 448/323/506 of I.P.C against the sole accused person namely Sankar Kar to which the Ld. Chief Judicial Magistrate, Paschim Bardhaman was pleased to take cognizance and transferred the instant case to this Court for disposal.

3. On 30.07.22, the sole accused person namely Sankar Kar was present before this Court. On perusal of the materials on record, this Court read the plea us 251 Cr.P.C ie 274 OF BNSS against him under Section 448/323/506 of I.P.C. On that day, the substance of offence under sections 448/323/506 of I.P.C. was read over and explained to the accused persons Sankar Kar and the accused person pleaded not guilty by saying “ Amra Nirdosh” and claimed to be tried in open Court. Hence, this trial began.

4. During evidence, the prosecution adduced evidence of only one witness i.e. the complainant.

5. After completion of the evidence of the prosecution, the accused namely Sankar Kar was examined under Section 351 of The Bharatiya Nagarik Suraksha Sanhita, 2023 . The case of the accused person as it appears from the examination of the accused person under section 351 of The Bharatiya Nagarik Suraksha Sanhita, 2023 is the denial of the prosecution case and plea of innocence. The accused person, however, declined to adduce any defence witness. Heard arguments of both sides.

POINTS FOR CONSIDERATION

6. Whether the prosecution has been able to prove the charge under sections 448/323/506 of I.P.C against the accused person beyond reasonable doubts?

7. Whether the accused person had assaulted the defacto complainant with lathi, bamboo and other weapons and received injury ?

DECISION WITH REASONS

8. At the outset, it is very essential to discuss the evidence adduced by the prosecution.

9. **P.W.1- Jhantu Roy** deposed before the court that he does not know who had filed

this case and against whom this case has been filed. PW1 has no personal knowledge about this case. PW1 also does not know the accused persons .

The cross- examination of PW1 is declined and closed . PW1 is discharged.

10. Now the merit of the case has to be decided by considering the evidence of prosecution witnesses. The evidence of the prosecution did not corroborate the version of the written complaint. The prosecution story has not been supported by other witnesses. Moreover from the careful perusal of the case record as well as testimony of witnesses it appears that PW1 does not know who had filed this case and against whom this case has been filed. So, besides PW1 the prosecution had failed to tender the evidence of any other witnesses in this case to establish the case.

11. It is a settled principle of law that a guilt must be proved beyond reasonable doubt to sustain conviction. The **Hon'ble Supreme Court in Sharad Birdhichand Sarda Vs. State of Maharashtra (1984) 4 SCC 116** observed that the prosecution must stand or fall on its own legs and it cannot derive any strength from the witness of the defence. In the case of **Kattu Raja Vs. The State decided on 30.04.2013, the Hon'ble Madras High Court** held that mere suspicion based on surmises and conjectures will not take the place of proof.

12. In the light of the above discussion, this Court is of the opinion that the prosecution could not prove the allegations of the written complaint. From the careful scrutiny of the case record, it appears that PW-1 stated in his deposition that he has no personal knowledge about this case and he does not know the complainant nor the accused of this case. Thus, the prosecution has miserably failed to prove the case against the sole accused person.

13. Hence it is,

ORDERED

the sole accused person namely Sankar Kar is found not guilty of the offences punishable under Sections 448/323/506 of I.P.C and he is acquitted on contest under Section 255 (1) of the Code of Criminal Procedure i.e. 278 (1) of BNS. The accused person be released from his bail bond.

In compliance with the direction of the Hon'ble High Court in Sabitri Bhunya - Vs- The State of West Bengal and Others in CRA266 of 2020(decision on 29.03.2022) it is hereby endorsed by this Court that the victim has the right to prefer an appeal under provision of Sec 372 of Cr.P.C ie section 413 of B.N.S.S. and if necessary , to

avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

The seized articles, if any, be disposed of as per due process of law after the statutory period of appeal.

The judgment is pronounced and delivered in Open court on this 02nd day of June 2026.

Dictated and Corrected by me,

**(APARNA CHATTERJEE)
Judicial Magistrate 2nd Court,
Asansol, Paschim Bardhaman
JO Code- WB 01200**

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Judicial Magistrate 2nd Court,
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