

Form A

<p>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BISHNUPUR, DISTRICT BANKURA</p> <p>Present: Shri Anuruddha Maity, Additional Sessions Judge, Bishnupur, Bankura. J.O. Code: WB-00844</p> <p>[Date of the Judgment: Bishnupur, the 24th day of April, 2026]</p> <p>[S.C. Case No. 09(6)2022] (S.T. No. 08(12)2023) (Reg. No. 70 of 2022)</p> <p>(Detail of FIR / Crime and Police Station)</p>	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	Sri G.P. Bhattacharjee, Ld. P.P. In-charge
ACCUSED	1. Jadav Majhi, 2. Madhab Majhi, 3. Mira Majhi and 4. Laxmi Santra @ Riya
REPRESENTED BY	Sri G.P. Biswas Ld. Advocate for the defence.

FORM B

Date of Offence	16.11.2018
Date of FIR	16.11.2018
Date of Charge sheet	22.07.2019
Date of Framing of Charges	14.12.2023
Date of commencement of Evidence	20.04.2024
Date on which Judgment is reserved	24.04.2026
Date of the Judgment	24.04.2026
Date of the Sentencing Order, if any	N.A.

Accused details :

Rank of the Accused	Name of 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.
1.	Jadav Majhi	17.11.18	22.02.19	498A / 302 / 304B / 34 IPC	Acquitted	N.A.	N.A.
2.	Madhab Majhi	03.06.19	31.07.19	- Do -	- Do -	N.A.	N.A.
3.	Mira Majhi	17.06.19	31.07.19	- Do -	- Do -	N.A.	N.A.
4.	Laxmi Santra @ Riya	17.06.19	31.07.19	- Do -	- Do -	N.A.	N.A.

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	Shankar Basani	The de facto complainant.
PW-2	Dilip Tewari	Hearsay witness
P.W-3	Prasanta Basani	Hearsay witness
P.W-4	Samanta Das	Hearsay witness
P.W-5	Ashok Mondal	Hearsay witness
P.W-6	Raju Basani	Hearsay witness
P.W-7	Saraswati Baul	Eye witness
P.W-8	Bhairab Baul	Hearsay witness
P.W-9	Anil Dey	Hearsay witness
P.W-10	Dr. T.K. Pal	PM Doctor
P.W-11	Abha Majhi	Hostile witness
P.W-12	Samirul Mallick	Seizure witness.
P.W-13	Pradipto Paitundi	RO
P.W-14	SI Baidyanath Roy	First IO
P.W-15	Pronobesh Mahato	Second IO.

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		
CW2		

C. Court Exhibits :

Sr. No.		Description
1	Exhibit P-1/PW1	The Written complaint.
2	Exhibit P-1/1/ /PW13	The endorsement of RO on the written complaint.
3	Exhibit P-2/PW2	Signature of PW6 on the seizure list dtd. 16.11.18
4	Exhibit P-2/1/PW4	Signature of PW4 on the seizure list dtd. 16.11.18
5	Exhibit P-2/2/PW5	Signature of PW5 on the seizure list dtd. 16.11.18
6	Exhibit P-2/3/PW6	Signature of PW6 on the seizure list dtd. 16.11.18
7	Exhibit P-3/PW3	Aadhar Card of the victim lady.
8	Exhibit P-4/PW1	Marriage Registration Certificate.
9	Exhibit P-5/PW2	Signature of PW2 on the inquest report.
10	Exhibit P-5/1/PW3	Signature of PW3 on the inquest report.
11	Exhibit P-5/2/PW6	Signature of PW6 on the inquest report.
12	Exhibit P-5/3/PW14	Signature of PW14 on the inquest report.
13	Exhibit P-6/PW3	Signature of PW3 on the Magisterial inquest report.

14	Exhibit P-6/1/PW6	Signature of PW6 on the Magisterial inquest report.
15	Exhibit P-7/PW4	Signature of PW4 on the seizure list dtd. 16.11.18
16	Exhibit P-7/1/PW5	Signature of PW5 on the seizure list dtd. 16.11.18
17	Exhibit P-7/2/PW6	Signature of PW6 on the seizure list dtd. 16.11.18
18	Exhibit P-7/3/PW14	Signature of PW14 on the seizure list dtd. 16.11.18
19	Exhibit P-8/PW10	The PM report.
20	Exhibit P-9/PW12	Signature of PW12 on the seizure list dtd. 16.11.18
21	Exhibit P-9/1/PW14	Signature of PW14 on the seizure list dtd. 16.11.18
22	Exhibit P-10/PW13	Formal FIR.
23	Exhibit P-10/1/PW14	Rough sketch map with Index.
24	Exhibit P-11/PW14	Dead Body Challan.

B. Defence :

Sr. No.		
1		
2		

D. Material Objects :

Sr. No.	Material Object Number	Description
1		Marriage invitation card.
2		

J U D G M E N T

Prosecution's Case

1. On 16.11.2018 one Shankar Basani, the brother of the deceased lady of the case filed a written complaint at Bishnupur PS alleging that in the year 2016 his sister Rama Majhi got married with accused no.1 according to Hindu rites and customs. It has been further alleged that soon after the marriage the victim lady was subjected to physical and mental torture by the accused persons on demand of dowry. It has alleged that such demand of the accused persons was increasing day by day and ultimately 16.11.2018 his sister was assaulted by accused with a brickbat on her head and as a result she sustained severe injuries and was admitted in the hospital.
2. The aforesaid written complaint was registered as Bishnupur PS Case No. 234 / 2018 dtd. 16.11.2018 u/s. 498A / 323 / 325 / 307 / 34 IPC. However, the said victim lady died soon after lodging of the FIR and accordingly sec. 302 IPC was added to the FIR. The investigation of this case was undertaken by the police and on completion of the same, police filed chare sheet against the accused persons u/s. 498A / 302 / 304B / 34 IPC before the Ld. A.C.J.M., Bishnupur who after taking cognizance committed the same to this court.
3. On appearance of the accused persons before this court after commitment, this court after considering the materials available from the record was pleased to frame charges against the accused persons u/s. 498A / 302 IPC alternatively u/s. 304B / 34 IPC. Charges were framed in a separate sheet of paper and was kept with the record. The substance of charges so framed, were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Thus the trial of the case commenced.

Defence Case :

4. The case of the defence as it appears from the trend of the cross examination of PWs as well as from the answers given by the accused persons during their examination u/s. 313 Cr.PC is the complete denial of the prosecution's case and it is submitted that they have been falsely implicated.

POINTS FOR DETERMINATION

5. After going through the cases of the rival contesting parties, I find that the following points are to be decided for the proper adjudication of this case.

I) Whether the accused persons have committed any offence punishable u/s. 498A / 302 / 304B / 34 IPC ?

II) Whether the prosecution has been able to prove the guilt of the accused persons beyond all reasonable doubts ?

DECISION WITH REASONS

6. Both the points for determination are taken up together for discussion for the sake of convenience. In order to prove its case, the prosecution has examined as many as 15 witnesses. The PW1 has stated in his evidence that *“Rama Majhi was my niece. She was married with Yadav Majhi on 22.02.2016. After marriage she was residing in her matrimonial house at Madhuban. She resided in the said matrimonial house for two months just after marriage. Thereafter, as family dispute cropped up, she along with her husband came to Bishnupur and started to reside in a rented accommodation at Katandhar. After there was quarrel between Rama and Yadav they returned back to Madhuban where Yadav made a construction of a new house and both of them started to lead their conjugal life in the said house. On 16.11.2018 at about 6.30 am I got the information that Rama has been killed. Immediately I went to her residence at Madhuban. On reaching there, I saw Rama was lying on the ground in a pool of blood and she was bleeding profusely from head where she had some injuries. There was gathering of large people and from them I came to know that Yadav had assaulted Rama on her head with a brickbat and fled away from the spot. I filed the written complaint at the PS. This is the said written complaint, which was written and signed by me. (The written complaint is marked as Exbt. P-1/PW1). Police had seized some documents regarding the pregnancy of Rama, her marriage certificate and she being handicapped from me. This is my signature upon the seizure list dtd. 16.11.2018. (The signature of the witness is marked as Exbt. P-2/PW1). These are the original marriage certificate and Aadhar Card of Rama which were seized from me by the police and again were returned to me on Jimmanama. (Aadhar Card and Marriage Certificate are marked as Exbt. P-3 & P-4/PW1 respectively). These are the medical documents dtd.*

13.09.18 & 06.11.18 of Rama Majhi which were seized from me by the police and again were returned to me on Jimmanama. (Both the documents are X & Y for identification)”.

7. The PW2 has stated in his evidence that *“Rama Majhi was my full sister. She got married with Yadav Majhi in the year 2016. After marriage she was residing in her matrimonial house at Madhuban. She resided in the said matrimonial house for two months just after marriage. Thereafter, as dispute cropped up between them, she along with her husband came to Bishnupur. After there was quarrel between Rama and Yadav at their Bishnupur residence they again returned back to Madhuban. But their quarrel did not stop and it was continuing. The incident took place in the month of November / December 2018. On that date I went for my job. I received a phone call from my friend that my sister was lying in a pool of blood in her residence. Immediately I went to her residence and saw Rama was lying in a pool of blood in unconscious condition. I heard from the people who were standing there that Yadav had assaulted Rama on her head with a brickbat. She was taken to Bishnupur hospital in that condition where she died later on. I heard about the incident from Bhairab Baul, Saraswati Baul, Abha Majhi, Raju Basani, Ashok Mondal and others. I was present at the time of inquest examination of the dead body of Rama and I signed on the said report as a witness. This is my signature upon the carbon copy of said inquest report. (The signature is marked as Exbt. P-5 / PW2)”.*

8. The PW3 has stated in his evidence that *“Rama Majhi was my cousin sister. She got married with Yadav Majhi of Madhuban in the month of Falgun, 2016. After marriage she was residing in her matrimonial house at Madhuban. She resided in the said matrimonial house for two months just after marriage. Thereafter, as dispute cropped up between them, she along with her husband came to Bishnupur in a rented accommodation. After one and half years Rama and Yadav returned back to Madhuban. Rama Majhi is now dead. The incident took place on 16th November 2018. On that date, I was at Bishnupur and received a telephonic information that my cousin sister has passed away. Accordingly, I went to her residence at Madhudan and saw Rama was lying in a pool of blood in unconscious condition. I heard from the neighbours that Yadav had assaulted Rama on her head with a brickbat. I heard about the incident from Bhairab Baul, Abha Majhi and others. I was present at the time of inquest examination of the dead*

body of Rama and I signed on the said report as a witness. This is my signature upon the carbon copy of said inquest report. (The signature is marked as Exbt. P-5/1 / PW3). I was also present at the time of Magisterial inquest examination of the dead body of Rama and I signed on the said report also as a witness. This is my signature upon the carbon copy of Magisterial inquest report. (The signature is marked as Exbt. P-6 / PW3). The accused persons are present in the court today (identified)".

9. The PW4 has stated in his evidence that "I used to know Rama Majhi wife of Yadav Majhi of Madhuban. She along with her husband Yadav were residing in a rented accommodation at Katandhar, Bishnupur. Thereafter they came back to Madhuban and started residing in their newly constructed house. Rama Majhi is now dead. The incident took place in the year 2018 at about 8 / 8.30 am when I was working in the field. I heard some uttering of several persons of the locality and I went to the house of Rama Majhi where I saw her body was lying on the courtyard. From Abha Majhi and Saraswati Baul who were standing at that place I came to know that during altercation Yadav had assaulted Rama and caused her such condition. Yadav Machi is present in the court (identified). I signed upon two seizure lists both dtd. 16.11.2018 as a witness. These are my signatures on the seizure list. (The signatures are marked as Exbt. P-7 & P-8/ PW4)".

10. The PW5 has stated in his evidence that "I used to know Rama Majhi wife of Yadav Majhi of Madhuban. They got married about 5 / 6 years ago. She along with her husband Yadav were residing in a rented accommodation at Katandhar, Bishnupur. Thereafter they came back to Madhuban and started residing in their newly constructed house. Rama Majhi is now dead. The incident took place on 16.11.2018 when I was working in the field I heard some uttering of several persons of the locality and I went to the house of Rama Majhi where I saw her body was lying on the courtyard. From Abha Majhi, Saraswati Baul and Bhairab Baul who were standing at that place I came to know that during altercation Yadav had assaulted Rama with brickbat and caused her such condition. She was then taken to the hospital where she died later on. Police came to our place for investigation. Yadav Majhi is present in the court (identified). I signed upon two seizure lists both dtd. 16.11.2018 as a witness. These are my signatures on the seizure list. (The signatures are marked as Exbt. P-7/1 & P-8/1 / PW5). Police has seized wearing apparels, Aadhar card and other documents of Rama".

11. The PW6 has stated in his evidence that *“Rama Majhi wife of Yadav Majhi of Madhuban was my cousin sister. They got married about 5 / 6 years ago. She along with her husband Yadav were residing in a rented accommodation at Katandhar, Bishnupur. Thereafter they came back to Madhuban and started residing in their newly constructed house. Rama Majhi is now dead. The incident took place on 16.11.2018 at about 7.30 am. At that time I was in my residence and heard some hue and cry. While I was coming out from my residence I saw that Rama was being taken on a Van and accordingly I went to the hospital. I heard that Rama has passed away. I heard that Yadav assaulted on her head. I signed upon two inquest reports. These are my signatures on the inquest reports. (The signatures are marked as Exbt. P-5/2 & P-6/1 / PW6 respectively). Yadav Majhi is present in the court (identified). I signed upon two seizure lists both dtd. 16.11.2018 as a witness. These are my signatures on the seizure list. (The signatures are marked as Exbt. P-7/2 & P-8/2 / PW6)”*.

12. The PW7 has stated in his evidence that *“I used to know Rama Majhi wife of Yadav Majhi of Madhuban. They got married about 7 / 8 years ago. She along with her husband Yadav were residing in a rented accommodation at Katandhar, Bishnupur. Thereafter they came back to Madhuban and started residing in their newly constructed house. Rama Majhi is now dead. The incident took place five and half years ago at about 8.30 am. At that time, I heard there was a quarrel between Rama Majhi and Yadav Majhi and hearing the same I came out from my house. I saw Yadav Majhi had assaulted Rama Majhi and was running away. Thereafter, I call nearby people and took her to the hospital. Rama Majhi died in the hospital. I know Yadav Majhi. He is present in the court (identified)”*.

13. The PW8 has stated in her evidence that *“I used to know Rama Majhi wife of Yadav Majhi of Madhuban. They got married about 7 / 8 years ago. She along with her husband Yadav were residing in a rented accommodation at Katandhar, Bishnupur. Thereafter they came back to Madhuban and started residing in their newly constructed house. Rama Majhi is now dead. The incident took place five and half years ago at about 8 / 8.30 am. At that time, I was cultivating potatoes in my landed property. I heard Abha Majhi was shouting by saying “Mere Diyechey” “Mere Diyechey”. Hearing the said hue and cry, I went to the spot when Abha Majhi told me Yadav had assaulted his wife Rama with a brickbat on her head. Thereafter, We took her to the hospital where she died. I know Yadav Majhi. He is present in the court (identified)”*.

14. The PW9 has stated in his evidence that *“I used to know Rama Majhi wife of Yadav Majhi of Madhuban. They got married about 7 / 8 years ago. She along with her husband Yadav were residing in a rented accommodation at Katandhar, Bishnupur. Thereafter they came back to Madhuban and started*

residing in their newly constructed house. Rama Majhi is now dead. The incident took place five years ago at about 8 / 8.30 am. At that time, I was cultivating potatoes in my landed property. While I was returning from the field I saw that Rama was being taken to the hospital in a Van. I heard from Abha Majhi and Saraswati Baul that Yadav had assaulted his wife Rama with a brickbat on her head. I know Yadav Majhi. He is present in the court (identified)”.

15. The PW10 has stated in his evidence that *“I am now posted as Contractual Medical Officer undder CMOH Bankura and now serving at Panchbaga Health Centre, Karjuridanga, Bankura. On 16.11.2018 I was posted at Bishnupur District Hospital as M.O. On that day, I did the PM examination on the dead body of Rama Majhi in connection with Bishnupur PS UD Case No.146 / 18 dtd. 16.11.2018 after the said dead body being brought and identified before me Constable 1139 Sudesh Singh of that PS. On examination, I found I) there was presence of rigor mortis, II) lacerated iunjury on the right parital region measuring 3 x 2 inch bone deep, brain matter coming out. III). Bruise on both upper eye lids. IV). Incised wound on the right forehead region measuring 2 x 2/3 inch bone deep from which brain matter coming out. V). On cutting of uterus 32 weeks male dead body coming out. In my opinion the cause of death was due to shock in the case of head injury which was ante mortem and homicidal in nature. This is the original PM report prepared and signed by me with my official seal. It is marked Exbt.-P-8 / PW10)”.*

16. The PW11 has stated in her evidence that *“I used to know Rama Majhi of Madhuban. She got married with Yadav Majhi five years ago. After marriage she was residing at Bishnupur and thereafter both the husband and wife went to Madhuban and had constructed their house at that place. Rama Majhi is now dead. She died 3 / 4 years ago. On the date of incident I heard some hue and cry and when I went to the house of Rama Majhi I found she was lying in injured condition in pool of blood. She was then taken to the hospital wherefrom a news came after sometime that she has passed away. I was not interrogated by the police. I made a statement before the Ld. Magistrate of this court and the same was recorded by him. It was readover and explained to me and then I put my LTI thereon. (At this stage, this witness is declared hostile by the prosecution and prosecution is permitted to cross examine the witness). Not a fact that I have stated to the police and the Ld. Magistrate that my grand daughter informed me that Jethima was assaulted by Jethu. Not a fact that I have stated to the police that I have seen Yadav Majhi was assaulting on the head of Rama Majhi*

with a brickbat and Rama was bleeding profusely from her head and brain materials have come out from the said injury or that when people had gathered Yadav fled away from the spot. Not a fact that I am deposing falsely”.

17. The PW12 has stated in his evidence that “*At present I am posted at Gangajalghati PS as Constable of Police. On 16.11.2018 I was posted in Bishnupur PS in the same capacity. On that date, IO had seized wearing apparels of one Roma Majhi in my presence and I signed on the seizure list as witness. This is my signature on the said seizure list. (The signature is marked as Exbt. P-9 / PW12)*”.

18. The PW13 has stated in his evidence that “*At present I am posted at Sealdah, GRP as Inspector of Police. On 16.11.2018 I was posted in Bishnupur PS as SI of Police. On that date, I received a written complaint from Shankar Basani which has disclosed commission of cognizable offence by some four miscreants. Accordingly, I started Bishnupur PS Case No. 234 / 18 dtd. 16.11.18 u/s. 498A / 323 / 325 / 307 IPC. I put an endorsement to that effect on the written complaint. This is the said endorsement on the written complaint, which is in my handwriting and also bears my signature. (The endorsement is marked as Exbt. P-1 / 1 PW13). I have also filled up the formal FIR. This is the said formal FIR, which was prepared and signed by me. (The formal FIR is marked as Exbt. P-10 / PW13). As per the instruction of the then IC, Bishnupur the investigation of the case was entrusted to SI, Baidyanath Roy”.*

19. The PW14 has stated in his evidence that “*I am a retired SI of Police. On 16.11.2018 I was posted in Bishnupur PS as SI of Police. On that date, I was endorsed to investigate Bishnupur PS Case No. 234 / 18 dtd. 16.11.18 u/s. 498A / 323 / 325 / 307 IPC. During investigation I visited the PO, prepared rough sketch map with index. This is the said rough sketch map with index. (The rough sketch map with index is marked as Exbt. P-10 / 1 / PW14). I examined the available witnesses and recorded their statements. This is the carbon copy of the dead body challan which was prepared and signed by me. (The carbon copy of the dead body challan is marked as Exbt. P-11 / PW14). This is the carbon copy of the inquest examination of the dead body which was prepared and signed by me. (The carbon copy of the inquest examination report is marked as Exbt. P-5/3 / PW14). I collected one piece of brick, blood stained earth, one Nighty and earth sample from the PO. This is the said seizure list which was*

*prepared and signed by me. (**The seizure list is marked as Exbt. P-7/3 / PW14**). I also prepared another seizure list on 16.11.18. This is the said seizure list which was prepared and signed by me. (**The seizure list is marked as Exbt. P-9/1 / PW14**). I had collected the PM examination of the dead body. I had arrested the principal accused Jadav Majhi. I sent Abha Majhi for recording of her statement us. 164 Cr.PC. I sent the seized alamats to FSL. Thereafter I handed over the CD to another IO as I have retired from my service”.*

20. The PW15 has stated in his evidence that “At present I am posted at DEB Bankura as Inspector of Police. On 20.06.2019 I was posted at Bishnupur PS as SI of Police. On that date, I had taken the investigation of this case as per the endorsement of the then IC, Bishnupur Swapan Majumdar. During the investigation, as per order of my superior officer I submitted the CS against the accused persons u/s. 498A / 302 / 304B / 34 IPC”.

21. The PW1 and other PWs have stated in their evidence that Rama Majhi got married with Yadav Majhi ie accused no.1 on 22.02.2016 and after marriage they started to reside at a rented accommodation at Katandhar Bishnupur and after staying there for few years they came back to Madhuban. This evidence of the prosecution has been admitted by accused no.1 during his examination u/s. 313 Cr.PC. Thus the matrimonial tie between the victim lady and the accused no.1 and their staying at Madhuban where the alleged incident had happened is an admitted fact.

22. The evidence of PW10 ie the doctor who has conducted the PM examination of the dead body of the deceased lady shows that in his opinion the death of the said lady was due to head injury which was homicidal in nature. The PM report prepared by him and has been marked as Exbt. P-8 / PW10 has revealed the same opinion which he has expressed in his evidence. This evidence of the PW10 or the PM report were never disputed by the defence during the cross examination of the said witness. Thus the evidence of PW10 has established that the death of the victim was homicidal.

23. it can therefore be seen that at the time of her death, the victim lady was residing at Madhuban with her husband where she died homicidal death. Now the question is whether all these accused persons or any of them can be held responsible for such death of the said lady.

24. Prosecution witnesses particularly PW1, PW2, PW3, PW4, PW5, PW6 and even PW8 have stated in their evidence that after reaching the PO they heard from others that accused no.1 had killed the victim lady. As they are disposing before this court what they have heard from others their evidence is obviously hearsay and can not be relied upon.

25. Apart from these PWs, another PW ie PW7 has stated in her evidence that on the date of incident she heard there was quarrel between accused and the victim lady and hearing the same when she came out from her residence she found accused no.1 had assaulted the victim lady and was running away. Thus she has claimed herself as the eye witness of the incident. During cross examination, the said witness submitted that before she had reached the PO there were already 20 / 25 people and Abha Majhi was also present there.

26. This Abha Majhi has deposed before this court as PW11. According to her on the date of incident she had gone to the house of the accused persons hearing hue and cry and found the victim lady was lying on the ground in pool of blood in injured condition and she was taken to the hospital.

27. According to PW7 this PW11 was present with her at the PO when she had seen accused no.1 to assault the victim lady. But the evidence of PW11 has not disclosed anything such. According to her, the victim lady was already in injured condition when she arrived there. If the PW7 has arrived at the PO after PW11 as she has claimed in her evidence it is not possible for her to see that victim lady was being assaulted by accused no.1 because by the time she had arrived there the victim lady was already in injured condition. Thus the evidence of PW7 does not get any corroboration from the evidence of PW11. In fact, the other PWs have stated that they have heard from PW11 that accused no.1 had assaulted the victim lady. But the evidence of PW11 is silent about the same and in fact her evidence was so much silent that the prosecution had to declare her as hostile witness and had to cross examine her. But such cross examination has revealed nothing against accused persons.

28. It can therefore be seen that the evidence of PW7 does not get any corroboration from the evidence of PW11 and the evidence of PW11 is not at all convincing to fix any criminal liability upon accused persons.

29. The PW8 is the husband of PW7. According to him on the date of incident at about 8 / 8:30 am while he was cultivating potato in his field, heard Abha Majhi (PW11) was shouting “Mere Diyeche” “Mere Diyeche”. But the evidence of PW11 has not disclosed anything which the PW8 has claimed in his evidence.

30. The cross examination of PW8 will reveal that he and his wife had reached the PO together and when they went there they found victim lady was already lying in unconscious condition. The PW7 is the wife of PW8 and this evidence will show that it has not corroborated what PW7 has stated rather it is corroborating the evidence of PW11. The evidence of PW8 & PW11 will conjointly show that the evidence of PW7 of being eye witness of the incident is not at all trustworthy. In such circumstances, this court finds that there is no such evidence which will establish any of the charges labelled against accused persons. Accordingly, all of them deserve acquittal from this case.

31. Hence, it is :-

ORDERED

that the accused persons namely Jadav Majhi, Madhab Majhi, Mira Majhi and Laxmi Santra @ Riya are found not guilty of the charges labelled against them and accordingly they are acquitted from this case under section 235(1) of Cr.PC. The accused persons and their sureties are discharged from their respective bail bonds.

The victim has the right to prefer an appeal under the provision to section 372 of the Code of Criminal Procedure and if necessary to avail free legal assistance through Legal Services Authority.

Let a copy of the order be communicated to the District Magistrate and another copy to the District. Legal Services Authority for information and appropriate action.

The alamats, if any, be destroyed and seized documents be returned to the person from whom it were seized after the appeal period is over.

Inform Court Inspector.

Dictated & corrected by me

Addl. Sessions Judge,
Bishnupur, Bankura.

Addl. Sessions Judge,
Bishnupur, Bankura