

## 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 22<sup>nd</sup> day of April, 2026]</p> <p><b>[S.C. Case No. 12(5)2025]</b> <b>(S.T. No. 01(7)2025)</b> <b>(Reg. No. 60 of 2025)</b></p> <p>(Detail of FIR / Crime and Police Station)</p>	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	Sri Mahadeb Dey, P.P. In-charge
ACCUSED	Bonomali Majhi
REPRESENTED BY	Sri Tanmoy Ghatak. Ld. Advocate for the defence.

## FORM B

Date of Offence	05.03.2025
Date of FIR	05.03.2025
Date of Charge sheet	18.04.2025
Date of Framing of Charges	01.07.2025
Date of commencement of Evidence	14.07.2025
Date on which Judgment is reserved	11.02.2026
Date of the Judgment	22.04.2026
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.	Bonomali Majhi	06.03.2025	In custody	u/s. 126(2) / 118(2) / 109(1) BNS	Acquitted	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	Debasish Ghosh	The de facto complainant cum victim
PW-2	Swarup Mukherjee	Scribe of the written complaint.
P.W-3	Rabi Bagdi	Co-villager of accused and the de facto complainant.
P.W-4	Dr. Utpal Sardar	Medically examined the victim.
P.W-5	C-Gunadhar Mahato	Seizure witness
P.W-6	Sanju Pratihar	Co-villager of accused and the de facto complainant.
P.W-7	Sunil Chalak	Co-villager of accused and the de facto complainant.
P.W-8	Dr. Prasanta Kr. Roy	Medical expert.
P.W-9	SI Sudarshan Roy	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/PW2	Signature of PW2 on the written complaint.
3	Exhibit P-2/PW1	The statement of the victim u/s. 183 BNSS
4	Exhibit P-3/PW4	Injury report of the victim.
5	Exhibit P-4/PW5	Signature of PW5 on the seizure list dtd. 05.03.25
6	Exhibit P-4/1/PW6	Signature of PW6 on the seizure list dtd. 05.03.25
7	Exhibit P-4/2/PW9	The seizure list dtd. 05.03.25
8	Exhibit P-5/PW5	Signature of PW5 on the Label
9	Exhibit P-6/PW8	Endorsement of PW8 on the letter of Joypur PS.
10.	Exhibit P-7/PW9	Rough sketch map with index.

## B. Defence :

Sr. No.		
1	Pushpa Majhi	Wife of the accused.
2		

## D. Material Objects :

Sr. No.	Material Object Number	Description
1		
2		

# **J U D G M E N T**

## **Introduction**

1. This case arises out of allegation against the accused for commission of the offence punishable u/s. 109 BNS and also u/s. 118 / 126 BNS. It has been the allegation of the prosecution that on 05.03.2025 at Hijaldiha village under PS Joypur in the District of Bankura the accused assaulted the victim with such intention and knowledge that, had death been caused, the act would have amounted to murder. It is also the case of the prosecution that in the course of such attempt of murder the accused has voluntarily caused grievous hurt to the victim and had also restrained him wrongfully.

## **Prosecution's Case**

2. On 05.03.2025 the victim himself lodged the FIR against the accused at Joypur PS to the effect that on that date at about 9:30 am in the morning while he was sitting by the side of a road in his village Hijaldiha, this accused had assaulted him on his neck with a Katari out of previous grudge and with the intention of his death and as a result of such assault he sustained severe bleeding injury and was taken to Joypur hospital for treatment wherefrom he was again referred to Bishnupur hospital.
3. This written complaint of the de facto complainant was registered as Joypur PS Case No. 56 / 2025 dtd. 05.03.2025 u/s. 126(2) / 118(2) / 109(1) BNS and the investigation of this case was undertaken by the police. On completion of the investigation police filed chare sheet against the above named accused person u/s. 126(2) / 118(2) / 109(1) BNS before the Ld. A.C.J.M., Bishnupur who after taking cognizance committed the same to this court. The accused remained in custody throughout the trial.
4. After production of the accused person before this court on commitment of the case, this court after going through the materials on the record framed charges against him u/s. 126(2) / 118(2) / 109(1) BNS in a separate sheet of paper and kept the same with the record. The substance of charges, so framed, were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Thus the trial of the case commenced.

## **Defence Case :**

5. 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

person during his examination u/s. 351 BNSS is the complete denial of the prosecution's case and it is submitted that he has been falsely implicated.

### **POINTS FOR DETERMINATION**

6. 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 person has committed any offence punishable u/s. 126(2) / 118(2) / 109(1) BNS ?

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

### **DECISION WITH REASONS**

7. In order to prove its case, the prosecution has examined as many as 09 witnesses whereas the defence has examined only one witness to defend himself from the charges labelled against him.

8. The PW1 is the victim and he has stated in his evidence that "*I know accused Bonomali Majhi. He is present in the TV Screen of this court. (identified the accused). On 05.03.2025 I was sitting under a tree at Hijaldiha More when accused came and assaulted me with a Katari on the back of my head and on the neck. I sustained bleeding injuries. I was treated at Joypur hospital and thereafter at Bishnupur hospital. I have filed a written complaint at Joypur PS. This is the said written complaint which was written according to my instruction by one Swarup Mukherjee. Thereafter, I signed on the said written complaint. This is the said written complaint. (The written complaint is marked as Expt. P-1 / PW1). I was interrogated by the police. I was brought to the court by police and I made statement before Ld. Magistrate, Bishnupur. This is my said statement which was recorded by Ld. Magistrate. After recording it was read over and explained to me and thereafter I signed on the same. (The statement of the victim u/s. 164 Cr.PC is as Exbt.-P-2 / PW1). I can identify the Katari*".

9. PW2 has stated in his evidence that "*I know Debasish Ghosh of Hijaldiha. On 05.03.2025 I wrote a written complaint as per the instruction of Debasish Ghosh addressing OC, Joypur PS. This is the said written complaint which I wrote as per his instruction and it bears my signature. This is my signature on the written complaint (The signature is marked as Expt P-1/1 / PW2)*".

10. PW3 has stated in his evidence that *“I know Debasish Ghosh of village Hijaldiha. I know he had filed a complaint at Joypur PS. I have not seen anything but I have heard that Debasish was assaulted by Bonomali Majhi. He is present in the TV Screen of this court. (identified the accused). I was interrogated by the police”*.

11. PW4 has stated in his evidence that *“At present I am posted at Joypur Block Medical Center as Medical Officer. On 05.03.2025 I was posted in the same place and in the same capacity. On that date, I had examined one Debasish Ghosh, who was forwarded by Officer In-charge of Joypur PS. On examination I found one cut injury measuring 5 cm x 1 cm on his neck. This is the said injury, which was prepared and signed by me. (The injury report is marked as Exbt. P-3 / PW4). This type of injury is possible if someone is assaulted by a Katari”*.

12. PW5 has stated in his evidence that *“At present I am posted at Joypur PS as Constable of Police. On 05.03.2025 I was posted in the same place and in the same capacity. I know SI Surdarshan Roy of the said PS. On that date I had gone to Hijaldiha with said SI where one Katari with Iron Butt was seized from the possession of accused Bonamali Majhi. Thereafter, the seizure list was prepared by the IO and I had signed on the same. This is my signature on the said seizure list. (The signature on the seizure list marked as Exbt. P-4 / PW5). I can identify the said Katari if the same is produced before me. At the time of the seizure Labels were prepared and it was pasted on the sealed Katari which bears my signature. This is my signature on the said label. (The signature on the label is marked as Exbt. P-5 / PW5). This is the said Katari which was seized from the accused. (The seized Katari is marked as Exbt. MO-I)”*.

13. PW6 has stated in his evidence that *“I used to know Debasish Ghosh son of Sukumar Ghosh of my village. I heard that Bonomali Majhi had assaulted Debasish Ghosh on his neck with a Katari. I signed on the seizure list by which police had seized the said Katari. This is my signature on the said seizure list. (The signature on the seizure list marked as Exbt. P-4/1 / PW6). I know that Debasish Ghosh had filed one complaint at the PS. This is the said seizure Katari (identified the MO-I). Accused is present in the court today (identified)”*.

14. PW7 has stated in his evidence that *“I used to know Debasish Ghosh son of Sukumar Ghosh of my village. I heard that Bonomali Majhi had assaulted Debasish Ghosh on his neck with a Katari. Accused is present in the court today (identified)”*.

15. PW8 has stated in his evidence that *“At present I am posted at Bishnupur District Hospital as Surgeon. On 05.03.2025 I was posted in the same place and in the same capacity. On that date one Debasish Ghosh came to the hospital Outdoor for treatment. On 06.03.2025 Police of Joypur PS sent me a letter placing some queries and I replied it by making endorsement thereon. This is my said endorsement on the said letter. (Endorsement is marked as Exbt. P-6 / PW8)”*.

16. PW9 has stated in his evidence that *“At present I have retired from my service. On 05.03.2025 I was posted at Joypur PS as SI of Police. On that date I was endorsed to investigate Joypur PS Case No. 56 / 25 dtd. 05.03.2025 by the then officer in-charge of Joypur PS. During investigation I visited the PO and prepared rough sketch map along with index. This is the said rough sketch map with index which was prepared and signed by me (The rough sketch map with index is marked as Exbt. P-7 / PW9). I arrested the FIR named accused person and seized the offending weapon ie a Katari from him. (Identified MO-I). I examined available witnesses and recorded their statements. I prepared a seizure list dtd. 05.03.25 after seizure of the offending weapon from the possession of the accused. This is the said seizure list which was prepared and signed by me. (The seizure list marked as Exbt. P-8 / PW9). I collected the injury report of the victim. I send the de facto complainant for recording of her statement u/s. 183 of BNSS. After completion of the investigation I filed the CS against the accused person. This is the said accused (identified the accused in the TV Screen of the Court)”*.

17. Defence has adduced one witness ie the wife of the accused and she has deposed in this case as DW1 and has stated in her evidence that *“Bonomali Majhi is my husband. On the date of incident myself and my husband were in the field. Debasish Ghosh had previous enmity with my husband. Thereafter, we find that my husband has been implicated in this case. On the date of incident my husband had no meeting with Debasish Ghosh”*.

18. Now let us examine on the strength of the above evidence how far the prosecution has been able to prove the guilt of the accused. The accused has been charged for committing offence punishable u/s. 109(1) / 118(2) / 126(2) BNS. Let us examine each of these charges.

**Charge U/s. 109(1) / 118(2) BNS :**

19. It is the allegation of the prosecution that the accused caused grievous hurt to the victim on his neck with the help of a Katari and this act was so

dangerous that if the victim had died out of such assault, the accused would have been guilty of committing murder.

20. According to the victim ie PW1 on the date of incident he was sitting under a tree at Hijaldiha More when accused came and assaulted him with a Katari on the back of his head as well as on his neck for which he sustained bleeding injuries and was treated at Joypur hospital and thereafter at Bishnupur hospital.

21. This PW1 is also the de facto complainant of this case. He had filed the written complaint before OC, Joypur PS on the basis of which the present case was started. In the said written complaint the witness has stated that accused had assaulted on his neck with a Katari with full force from back. Thus according to the written complaint the victim was only assaulted on his neck but not on his head and such assault was with full blow of the Katari. According to this written complaint he was rescued by bystanders and was taken to the hospital.

22. This PW1 had also given a statement u/s. 183 BNSS before Ld. Judicial Magistrate, Bishnupur and in the said statement he said "I was sitting under the shadow of the tree, out of sudden one Bonomali Majhi attacked me from back with katari as a result I got senseless. I regained my sense at Joypur hospital on the same date but I can not say the time. I have been referred to the Bishnupur hospital from Joypur on the same day."

23. The above statement of the victim shows that he had no sense after he was been assaulted. This statement of the victim is not corroborating what he has stated in the written complaint as well as in his evidence. According to the written complaint after being assaulted by the accused he was taken to the hospital by the local people but according to the above statement he had no sense about what happened after he sustained injuries. His statement in the written complaint is a clear indication that he had sense even after the assault otherwise he would not have been able to state that he was taken to the hospital by bystanders. In his evidence he remained silent about the same. He did not mention whether he had senses after such assault and whether he was taken to the hospital by bystanders. Thus it is apparent that the victim has given different versions about the incident that took place after his assault. These different versions of the victim are bound to create doubts in the mind of the court about their truthfulness.

24. The evidence of PW4 ie the doctor who had treated the victim at Joypur BPHC will show that on examination of the victim he had found only one cut

injury measuring 5 cm x 1 cm on his neck. In cross examination he admitted that no stitches were given to the said injury. This means that the injury on the neck of the victim was not of such nature that it would require stitches for the purpose of its treatment. The victim has said he was assaulted on the neck with a Katari and in his written complaint it was mentioned that the accused gave blow of the Katari with full force. Thus inspite of having blow of Katari with full force there was no such injury on the neck of the victim which required stitches for the purpose of treatment. The evidence of PW9 ie the IO shows that the weight of the seized Katari was 2 kgs. Thus a person who is being assaulted on his neck with a sharp cutting weapon of having 2 kgs of weight had sustained only such injury which do not require any stitches. It is therefore very much doubtful whether any blow of Katari was given on the neck of the victim.

25. The cross examination of the PW1 will reveal that there was no previous enmity between the accused and the victim. Even the victim cum de facto complainant has failed to assign any reason of his attack by the accused. Thus where there is no previous enmity between the accused and the victim, I do not find there is any cogent ground for the accused to attack the victim.

26. The incident had taken place at broad day light by the side of the village road but apart from the victim there is no witness of the said incident. According to the de facto complainant some bystanders took him to the hospital but no such person has been produced by the prosecution as witness of the case. Though there are several villagers who had deposed before this court as PWs but none of them has stated that they had seen the accused to assault the victim or that accused was carrying any weapon in his hand on that date. Thus it is not at all believable that the accused was proceeding towards the victim with a Katari in his hand through the village and he remained unnoticed by any of the villagers.

27. The alleged offending weapon was recovered from the possession of the accused but it was not recovered following any disclosure statement. Thus the seized katari can not be termed as offending weapon. It can also be said that the prosecution has failed to establish any connection of the seized Katari with the alleged incident.

28. Considering the above discussion this court is of the view, the prosecution has failed to establish beyond reasonable doubts that the accused has assaulted the victim with Katari on his neck with the intention of

causing his death or has caused any grievous injury. Thus the accused should be acquitted from the charges u/s. 109(1) / 118(2) BNS.

**Charge U/s. 126(2) BNS :**

29. The accused has also been charged for committing offence of wrongfully restraining the de facto complainant. The written complaint filed by the de facto complainant and his evidence does not reflect any incident which will suggest that accused has restrained him from proceeding in any direction. Thus the charge labelled against the accused u/s. 126(2) BNS does not substantiate and in such circumstances the accused is liable to be acquitted from the said charge also.

30. Thus it can be seen that the prosecution has failed to establish any of the charges labelled against the accused and in such circumstances he deserves acquittal from this case.

31. Hence, it is :-

**ORDERED**

that the accused person namely Bonomali Majhi is found not guilty of the charges labelled against him and accordingly he is acquitted from this case under section 258(1) of BNSS. The accused be released from the judicial custody at once if he is not wanted in connection with any other case. The accused person and his sureties are discharged from his respective bail bonds forthwith.

The victim has the right to prefer an appeal under the provision to section 413 of the BNSS 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 after the appeal period is over.

Inform Court Inspector.

Dictated & corrected by me

Addl. Sessions Judge,  
Bishnupur, Bankura.

Addl. Sessions Judge,  
Bishnupur, Bankura