

FORM A

IN THE COURT OF JUDICIAL MAGISTRATE, 3rd COURT, BISHNUPUR, BANKURA

Present: Ms. Aliviya Bhattacharya (J.O Code: WB01364)

Judicial Magistrate, 3rd Court, Bishnupur, Bankura

Date of Judgment: 22.06.2026

GR 969/2025 (Reg. No. 1649/2025)

T R No. 1289/2025

CNR No.: WBBK06-00-23122026

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP, Suparna Koley
Accused	1. Baidyanath Khan 2. Pranati Khan
Represented by	Ld. Adv. Ujjal Roy

FORM B

Date of offence	28.06.2025
Date of FIR	29.06.2025
Date of Charge sheet	31.07.2025
Date of framing of Charges	30.01.2026
Date of commencement of Evidence	10.08.2026
Date on which judgment is reserved	22.06.2026
Date of the judgment	22.06.2026
Date of the sentencing order, if any	N.A

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 the purpose of Section 428 CrPC
1.	Baidyanath Khan	01.07.2025	05.07.2025	Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS	Acquitted	N.A	N.A
2.	Pranati	N.A	11.08.2025	Section	Acquitted	N.A	N.A

	Khan			126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS			
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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)
P.W-1	Basudeb Khan	Complainant
P.W-2	Sourav Khan	Son of the complainant

The prosecution prayed for the closure of prosecution evidence after the evidence of P.W-2 and the prayer was allowed.

B. Defense Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W-1	N.A	N.A

C. Court witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W-1	N.A	N.A

LIST OF PROSECUTION/ DEFENSE EXHIBITS/ COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit No.	Description
1.	Exhibit- P1/PW1	Signature of PW- 1 on the written complaint
2.	Exhibit- P2/PW1	Signature of PW- 1 on the FIR

B. Defense

Sr. No.	Exhibit No.	Description
1.	N.A	N.A

C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	N.A	N.A

D. Material Objects

Sr. No.	Material Object No.	Description
1.	N.A	N.A

JUDGMENT

Preface

1. The instant case is under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS** instituted on the basis of the F.I.R lodged by the de-facto complainant namely **Basudeb Khan** before the O/C, Joypur P.S, Bankura against the accused persons namely **Baidyanath Khan and Pranati Khan**.

Fact of the case

2. The brief fact of the case as alleged by the informant is that on 28.06.2025 at about 18:30 hrs one Baidyanath Khan, S/O- Late Pitambar Khan and 02 others of the same locality came in front of his house and assaulted his son with fist and blow with an intention to kill his son and also assaulted him and they also threatened them of dire consequences owing to previous grudge. The accused persons also snatched away Rs. 600/- from his lottery table drawer and also threw the lottery tickets on the ground. As a result, they received injury and they were treated at Joypur BPHC. This compelled the de-facto complainant to lodge the complaint before O/C, Joypur P.S. Hence, the instant trial.

Charge

3. The charge is framed under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS** and the substance of accusation under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS** was read over and explained to the accused persons to which they pleaded ‘Not guilty’ and claimed to be tried.

Examination of the accused under section 313 Cr.PC

4. The accused persons have been examined u/s 313 Cr.PC and on being asked, the accused persons refused to adduce defense witnesses.

Points for Consideration

5. Point No. 1: Are the accused persons guilty of the offences punishable under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS**?
6. Point No. 2: Is the prosecution able to prove its case beyond the shadow of reasonable doubt?

ARGUMENTS ON BEHALF OF THE ACCUSED PERSONS

7. The Ld. Advocate for the accused persons started the argument and stated that the de-facto complainant has deposed before this Court and during her examination in chief she did not reveal anything incriminating against the accused persons. No other witnesses are examined by the prosecution to adduce any incriminating evidence. Accordingly, he prays for the acquittal of the accused persons in this case.

ARGUMENTS ON BEHALF OF THE PROSECUTION

8. The Ld. APP argued on behalf of the prosecution stated that the de-facto complainant has filed this case against the accused persons under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS** and has contested the same and thus prays that the accused should be punished as per law.

Decision with Reasons

9. This is a case under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS** filed by the de-facto complainant against the accused persons. Now, this Court is to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

10. This Court perused the materials on record. On perusal, it appears that on 28.06.2025 at about 18:30 hrs one Baidyanath Khan, S/O- Late Pitambar Khan and 02 others of the same locality came in front of his house and assaulted his son with fist and blow with an intention to kill his son and also assaulted him and they also threatened them of dire consequences owing to previous grudge. The accused persons also snatched away Rs. 600/- from his lottery table drawer and also threw the lottery tickets on the ground. As a result, they received injury and they were treated at Joypur BPHC.. This compelled the de-facto complainant to lodge the complaint before O/C, Joypur P.S. Hence, the instant trial.

11. The **P.W-1, Basudeb Khan**, the de-facto complainant stated in his deposition that he had lodged the complaint in Joypur PS against the accused persons namely Baidyanath Khan, Anadi Khan and Kishan Khan. He further stated that he had a property dispute with them which led to hot altercation and tussle between them. He identified the accused person namely Baidyanath Khan in court and stated that had the other accused been present on that day, he would have recognized him. During cross-examination he stated that he had a family dispute with the accused and at present their dispute is resolved. He failed to state the contents of his written complaint. He lodged the complaint out of misunderstanding and police never interrogated him.

12. The **P.W-2, Sourav Khan**, stated in his deposition that de-facto complainant is his father. He also stated that he was not present there at the time of incident. He further stated that he had a hot altercation with accused persons. He identified the accused Baidyanath Khan in court and stated that he would have recognized the other accused person had the said accused been present on that day. During cross-examination he stated that the said dispute is resolved now. He also could not say the contents of the written complaint and police never interrogated him.

13. The prosecution prayed for the closure of evidence after the evidence of P.W-2 seeing no scope for the development of prosecution case. On scrutinizing the evidence on record, it appears that none of these witnesses gave a clear, direct and unequivocal incriminating evidence against the accused persons. The P.W- & 2 who are the victim themselves are the star witness of this case. However, they abstained from deposing against the accused persons sufficiently enough to attract the offences under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS. S. 101 of Bharatiya Sakshya Adhiniyam** provides for the burden of proof. It reads as under: -

“whoever desires any Court to give judgment as to any legal right and liability dependent on existence of facts which he asserts that those facts exist, must prove the existence of such facts. When a person is bound to prove the existence of any fact it is said that the burden of proving those facts lies on that person”.

In the instant case, the case of the prosecution set the wheels of this case into motion. It is upon the prosecution to prove the facts alleged by the de-facto complainant in the FIR as per the aforementioned section and as such, the burden of proof regarding the alleged offence also lies upon the prosecution. However, there is nothing concrete on the record to suggest that the alleged incident actually took place. There is no substantial evidence as may be derived from the oral testimony of the P.Ws. It is apparent from the evidence that the witness has failed to prove the alleged incident and the evidence of the prosecution is cryptic and do not point out the guilt of the accused person. It is the duty of the prosecution to prove the charge against the accused person

beyond all reasonable doubt by producing cogent and convincing evidence. In the light of above discussion and the reason I am of the opinion that the prosecution has failed to prove the case against the accused person beyond reasonable doubt. Resultantly, the accused person is entitled to be acquitted of the charges under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS**. All the points are thus answered in the negative. In the result prosecution case fails and the accused persons merit acquittal.

Hence, it is

ORDERED

That the accused persons namely **Baidyanath Khan and Pranati Khan** are found not guilty of committing the offense punishable under **Section 126(2)/329(3)/115(2)/351(3)/324(4)/3(5) BNS** and they are hereby acquitted u/s 248(1) Cr.P.C in respect of offense alleged to be committed under **Section 126(2)/329(3)/115(2)/351(3)/324(4) /3(5) BNS**.

The accused persons are on Court bail.

They are hereby discharged forthwith from their bail bonds and set at liberty.

The concerned sureties also be discharged from their obligations.

The instant case is accordingly disposed of.

Bench Clerk II is directed to note in T.R.

Let a copy of this judgment be sent to the DM, Bankura and the Chairman, SDLSC, Bishnupur at once.

Let this judgment be uploaded in CIS portal at once.

Seized alamati, if any be disposed of after the expiry of appeal period.

Typed & Corrected by me.

**Judicial Magistrate, 3rd Court
Bishnupur, Bankura**

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