

Form No. (M) 34

<u>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,</u>	
<u>BISHNUPUR, BANKURA</u>	
Present : Smt Tashi Chheten Sherpa, [J.O Code: WB-01106]	
Additional Chief Judicial Magistrate, Bishnupur, Bankura	
[Date of the Judgment: 12.03.2026]	
[Case No. GR 429 of 2021]	
T.R No. 1586 of 2021	
Reg. No. 1392 of 2021	
CNR No.- WBBK060008192021	
Patrasayer P.S CASE No. 55 of 2021 dated 25.05.2021 under Section 341/323/ 325/34 of Indian Penal Code.	
Complainant	STATE
REPRESENTED BY	Indra Narayan Biswas LD. ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	I. NAME WITH ALL PARTICULARS A-1) Sushanta Bagdi Son of Late Nabakumar Bagdi, A-2) Alpana Bagdi @ Kalpana wife of Sushanta Bagdi A-3) Rupa Bagdi Daughter of Sushanta Bagdi All of village- Ghoradanga, P.S Patrasayer, Bankura
REPRESENTED BY	NAME OF THE ADVOCATES Ld. Advocate Rumpa Mondal

Form No. (M) 35

Date of Offence	24.05.2021
Date of FIR	25.05.2021
Date of Charge sheet	31.05.2021
Date of Charge	24.09.2024
Date of commencement of Evidence	07.05.2024

Date on which Judgment is reserved	
Date of the Judgment	12.03.2026
Date of the Sentencing Order, if any	

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
1	Sushanta Bagdi		28.05.2021	u/s. 341/323/325/34 of Indian Penal Code	Acquitted	
2	Alpana Bagdi @ Kalpana		28.05.2021	u/s. 341/323/325/34 of Indian Penal Code	Acquitted	
3	Rupa Bagdi		28.05.2021	u/s. 341/323/325/34 of Indian Penal Code	Acquitted	

Form No. (M) 36**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)
1	Goutam Mondal	De facto complainant
2	Bhagabati Bala	Witness / injured

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

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

Sr. No.	Exhibit Number	Description
1	Exhibit P1	Written complaint

B. Defence:

Sr. No.	Exhibit Number	Description
1		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1		

D. Material Objects:

Sr. No.	Exhibit Number	Description
1		
2		

JUDGMENT

1) The fact of the case is that de facto complainant Goutam Mondal son of Sunil Mondal of village Ghoradanga, Patrasayer, Bankura filed a complaint before O.C Patrasayer P.S to the effect that on 24.05.2021 at about 10:00 am there was an altercation due to goats damaging the crops. At that time the accused persons named above assaulted him and his neighbour Bhagabati Bala. As a result of which they both suffered injuries on their persons. On the basis of the aforesaid incident the present case was initiated under Section 341/323/325/34 of Indian Penal Code against the three accused persons.

2) After investigation, charge sheet was submitted under S. 341/323/325/34 of I.P.C against the above named three accused persons.

CHARGE

3) The charge was framed against all the accused persons on 24.09.2024. The substance of the accusation under Secs. 341/323/325/34 of I.P.C was explained to them and to which the accused persons separately pleaded not guilty and claimed to be tried.

POINTS FOR CONSIDERATION:

- a) Whether the prosecution has been able to prove the case against the accused persons?
- b) Whether the accused persons can be convicted under sections under Secs. 341/323/325/34 of I.P.C ?

EVIDENCE

4) The prosecution cited eight witnesses and examined two witnesses to prove the instant case. Thereafter evidence from the side of prosecution was closed on submission of prosecution and accused persons were examined u/s 313 of Cr.P.C . Accused persons declined to adduce any evidence. Argument was heard from both sides in full.

5) P.W. 1 Goutam Mondal, is the de facto and injured of this case. He stated in his examination in chief that he had lodged the complaint against the accused persons. The incident took place because the goats ate vegetables in his field. During altercation he fell and injured himself. The complaint has been marked Exbt. P1. During cross examination he stated that he was not interrogated by the police and did not substantiate the contents of his complaint.

6) P.W. 2 Bhagabati Bala stated that she knows P.W1 and that he had lodged the complaint but stated that she was not present during the incident.

DECISION WITH REASONS:

7) On scrutiny of the evidences on record, it is evident that the principle witness P.W. 1 failed to substantiate the prosecution case. He stated nothing against the accused persons. P.W. 2 was also injured as per the prosecution case but she stated that she was not present at the time of incident. Thereby completely contradicting the case of the prosecution. Therefore, the prosecution has miserably

failed to prove the charges under S. 341/323/325/34 of the Indian Penal Code against the accused persons and they are entitled to be acquitted from this case.

HENCE IT IS

ORDERED

That the accused persons namely, A-1) Sushanta Bagdi, A-2) Alpana Bagdi @ Kalpana and A-3) Rupa Bagdi are found not guilty for the offence punishable U/Sec. under Section 341/323/325/34 of I.P.C and are acquitted under Section 248(1) of Cr.P.C. They are set at liberty at once and discharged from bail bonds and the sureties are released from their liabilities.

The seized articles , if any , are to be disposed of in accordance with law once the appeal period is over.

Note the disposal in register.

D/Corrected by

A.C.J.M, Bishnupur

*A.C.J.M, Bishnupur
J.O Code WB01106*