

G.R. 166 of 2022
CIS No. G.R.03 of 2022

Form No. (M) 34

FORM A

IN THE COURT OF THE JUDICIAL MAGISTRATE, DINHATA, DIST. COOCH BEHAR

**Present: Sri Pratyay Pal,
Judicial Magistrate,
Dinhata, Dist. Cooch Behar
JO Code WB01376**

Date of delivery of Judgment: The 13th day of March, 2026

**GR 166 of 2022
Reg No. GR 03 of 2022
CNR WCB 07-000364-2022
T.R. No. 131 of 2022**

Dinhata P.S. case No. 149 of 2022 dated 23.03.2022 under section 447/323/354/34 IPC

COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. APP-in-charge Nihar Ranjan Gupta
ACCUSED	1)Anowar Hoque S/O Lt. Rahoman Ali 2) Anarul Hoque S/O Rahoman Ali 3) Nur Amin Hoque S/O Lt. Aktar Ali 4)Ramjan Ali S/O Lt. Ajijar Rahoman 5)Bhanu Bibi W/O Anowar Hoque @ Anarul Hoque 6)Rafika Bibi W/O Anowar Haque 7)Nur Islam S/O Aktar Ali All are residence of village Panchadhoji, P.O Kawrai P.S Dinhata, Dist. Cooch Behar
REPRESENTED BY	Ld. Advocate Jayanta Kumar Bhowmik

Form No. (M) 35

FORM B

Date of Offence	21.03.2022
Date of FIR	23.03.2022
Date of Chargesheet	28.04.2022
Date of Framing of Charges	21.07.2022
Date of commencement of Evidence	20.06.2023
Date on which Judgment is reserved	13.03.2026
Date of Judgment	13.03.2026
Date of the Sentencing Order, if any	Not applicable

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.	Anowar Hoque	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.
2.	Anarul Hoque	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.
3.	Nur Amin Hoque	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.
4.	Ramjan Ali	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.
5.	Bhanu Bibi	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.
6.	Rafika Bibi	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.
7.	Nur Islam	N.A	10.05.2022	Section 447/323/354/34 of IPC	Acquitted	N.A.	N.A.

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JUDGMENT

1. This case arose out of a written complaint filed by one Manowar Hossain before I/C Dinhata P.S with allegation that on 21.03.2022 at about 3 p.m. the accused entered into the property of the de facto complainant and started assaulting his sisters and when the de facto complainant went to rescue them the accused also attacked him. With help of co-villagers he took his sisters to Dinhata Hospital and they were admitted. Hence, the written complaint.

2. On the basis of the complaint Dinhata P.S. case No. 149 of 2022 dated 23.03.2022 under section 447/323/354/34 IPC was registered. Investigation of the case was taken up and after completion of investigation, Charge Sheet no. 195 of 2022 dated 28.04.2022 was submitted against the above named accused persons under Section 447/323/354/34 of IPC. Cognizance of the case was taken and it was transferred to this Court for disposal on 21.07.2022. Charge was framed against the accused persons U/S-447/323/354/34 of IPC on 21.07.2022. The contents of the charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

3. Accordingly, trial of the accused persons commenced. During trial the following witness is adduced from the side of prosecution:

P.W.1- Manowar Hossain
P.W.2- Rafiqul Haque
P.W.3- Hafijul Haque
P.W.4- Rafika Khatun
P.W.5- Ahela Bibi
P.W.6- Dr. Ayesa Khatun
P.W.7- ASI Bikash Tamang

4. The following document are marked as Exhibits:

Exhibit P-1/PW1- FIR along with signature of P.W.1 on the written complaint,
Exhibit P-2/PW7- Formal FIR,
Exhibit P-1/1/PW7- Endorsement of I/C Dinhata P.S. on the written complaint,
Exhibit P-3(series)/PW7- Rough sketch map along with index.

5. After closure of the prosecution evidence on 25.02.2026, the accused persons were examined under Section 313 Cr.P.C. As they declined to adduce any evidence the D.W was closed, then argument was heard and the case was fixed for judgment.

POINTS FOR DETERMINATION

6. On the basis of facts and circumstances of this case the following points are to be considered:

1. Whether the accused persons are guilty of offence under 447/323/354/34 of IPC?
2. Has the prosecution been able to prove its case beyond all reasonable doubts?

DECISION WITH REASONS

7. Both points are taken up together for convenience and to avoid unwanted repetition. At the first the evidence from the side of the prosecution are required to be discussed.

8. P.W.1 is the de facto complainant who stated that the incident took place about one year ago, one day between 11:00 am to 12:00 o'clock at their land comprising in L.R. plot no. 147, 148 of Panchadhaji mouza. At the relevant time and place when he was engaged in agricultural activities upon their land, the accused persons abused him with filthy languages and when he protested, they also assaulted him with fists and blows and sticks. At that time his sisters Rafika Bibi(P.W.4), Rahila Bibi, Safika Bibi and Rohila Bibi also went there to save him and they were also assaulted by the accused persons. They sustained bleeding injury and they were taken to Dinhata S.D. Hospital He sustained injury on his leg. In his cross-examination he stated that there were many disputes pending in between both sides over aforesaid land. The P.W.2, P.W.3, P.W.5 stated that they did not know the fact of this case. P.W.4 stated that she knew that there was dispute in between his brothers and sister for that reason her brother has filed this case. She further stated that there was a free fight in between both sides. Her mother was injured at her waist in that incident. But the dispute had been settled amicably at their village. In her cross-examination she stated that she cannot remember the date, time and year of the incident. She was not present at the time of incident. P.W.6 stated that on 21.03.2022 she examined Saika Khatun Bibi with history of physical assault by Anarul Haque, Bhanu Bibi and Rapika Bibi with 'lathi' as stated by the patient. On examination the patient was found conscious and she had swelling on the right leg. She prepared injury report. In her cross-examination she stated that the nature of injury can be sustained by falling in hard substance. P.W.7 is the I/O who stated about initiation of this case, after drawing up formal FIR, mode of investigation by him and submission of charge sheet against the accused after completion of investigation. In his cross-examination he admitted that he had not made any seizure in this case.

9. Now on meticulous perusal of the available evidences, this Court finds that the evidence of P.W.1 suffers from various inconsistencies. In the Exhibit P1/PW1 it is stated that the sisters of P.W.1 were assaulted and they sustained injury and were admitted to hospital by the P.W.1 and the P.W.1 was attacked

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when he went to rescue his sisters. But in the evidence he stated about his assault by the accused when he was doing agricultural work and then sisters went to rescue him and they were assaulted by the accused. So, it is clear the P.W.1 has deviated from the version of the prosecution and narrated a different chronology of the incident. It is further revealed that there was many disputes pending between both sides. The P.W.4 also narrated a completely different version where she stated that there was free fight between both sides because of dispute between her brother and sister and her mother was injured. She further stated that she was not present at the time of incident. So, the person whom the P.W.1 claimed to be one of the victims herself denied her presence at the time of incident. The evidence of P.W.6 and P.W.7 are of no help of the case of the prosecution as the de facto complainant and victim narrated contradictory version. There is no medical documentary evidence where aversion of admission of hospital was made. Accordingly, it is safe to hold that, the available evidences from the side of prosecution are not bringing out any ingredients of the offence charged against the accused. As such, there is no other option before this Court but to hold that the charge levelled against the accused are not proved.

10. In view of the above discussion and regard being had to all the materials on record, this Court has no hesitation to hold that the prosecution has miserably failed to establish its case against the accused beyond all reasonable doubt and the accused persons are accordingly entitled to get an order of acquittal.

11. Hence, it is

ORDERED

that the accused persons are found not guilty of the offence under Section 447/323/354/34 of IPC.

That the accused persons are acquitted in terms of Section 248(1) of Cr.P.C.

The accused persons be released from their respective bail bonds.

Sureties are discharged from their liabilities.

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

Let a copy of this order be sent to District Magistrate, Cooch Behar as per direction of Hon'ble Calcutta High Court in the case of Sabitri Bhunya vs The State of WB and Others.

Copy of order be also sent to Chairman, SDLSC, Dinhata as per direction of Hon'ble Court in above referred case.

The victim as defined in Section 2(wa) of Cr.P.C. has the rights to prefer an appeal under proviso to Section 372 of Cr.P.C and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

The case is disposed off.

Note in register and CIS.

D/C by me

Sd/-

(Pratyay Pal)

Judicial Magistrate, Dinhata

Sd/-

(Pratyay Pal)

Judicial Magistrate, Dinhata.

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APPENDIX
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	Manowar Hossain	Defacto complainant
P.W.2	Rafiqul Haque	Other witness
P.W.3	Hafijul Haque	Other witness
P.W.4	Rafika Khatun	Victim
P.W.5	Ahela Bibi	Other witness
P.W.6	Ayesa Khatun	Medical Officer
P.W.7	ASI Bikash Tamang	Investigating Officer

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit P-1/PW1	FIR along with signature of P.W.1 on the written complaint
2.	Exhibit P-2/PW7	Formal FIR
3.	Exhibit P-1/1/PW7	Endorsement of I/C Dinhati P.S. on written complaint
4.	Exhibit P-3(series)/PW7	Rough sketch map along with index

B. Defence:

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

C. Court Exhibits: G.R. 624 of 2009
CIS No. G.R. 624 of 2015

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

D. Material Objects:

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

Sd/-
(Pratyay Pal)
Judicial Magistrate, Dinhati.