

GR CASE NO. 586-2023
CIS GR CASE NO. 5861-2023
State of West Bengal Vs. Kalidas Das and Five others
Under Section 341/323/354/506/34 of Indian Penal Code
FORM A

<p>IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DINHATA, COOCH BEHAR Present: Smt. Dewyani Rai Additional Chief Judicial Magistrate, Dinhata, Cooch Behar JO Code No. WB 01175 [Dated : 12.06.2026] GR CASE NO. 586-2023 CIS GR CASE NO. 5861-2023 (Dinhata P.S Case No. 550 Dated 26.09.2023)</p>	
Complainant	State Of West Bengal
Represented by	Sanjay Barman, Ld. APP
Accused 01. Kalidas Das 02. Koushik Das @ Bikram 03. Mamani Das @ Krishna Das 04. Basanti Das @ Malati Roy 05. Rupashi Roy Das @ Alok Mala Modak 06. Beuty Das @ Jayashree Das	
Represented by	Jewel Barman

FORM B

Date Of Offence	26.09.2023
Date of FIR	26.09.2023
Date of Charge Sheet	31.12.2023
Date Of Framing Charge	28.03.2025
Date of Commencement of Evidence	11.06.2025
Date on which Judgement is reserved	10.06.2026
Date of Judgement	12.06.2026
Date of the sentencing order, if any	NA

GR CASE NO. 586-2023

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State of West Bengal Vs. Kalidas Das and Five others

Under Section 341/323/354/506/34 of Indian Penal Code

Rank and Name of the Accused Person	Date of Arrest	Date of Release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of Section 428 CrPc
01. Kalidas Das 02. Koushik Das @ Bikram 03. Mamani Das @ Krishna Das 04. Basanti Das @ Malati Roy 05. Rupashi Roy Das @ Alok Mala Modak 06. Beuty Das @ Jayashree Das	19.12.2023	19.12.2023	Under Section 341/323/354/506/34 of Indian Penal Code	Acquitted	NA	NA

FORM C

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESSES)
PW-1	Pocha Das	Independent witness
PW-2	Mantosh Das	Independent witness
PW-3	Dr. Gopinath Saha	Medical officer
PW-4	Majan Das	Defacto complainant
PW-5	Subodh Das	Victim

B. Defence witnesses, if any : NA

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Serial Number	Exhibit Number	Description
01.	Exhibit P-1	Injury report
02.	Exhibit P-2	Bed head ticket and daily clinical notes of victim

B. Defence : NA

C. Court Exhibits : NA

D. Material Objects : NA

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
DINHATA, COOCH BEHAR

PRESENT : Smt. DEWYANI RAI.

Additional Chief Judicial Magistrate, Dinhata, Cooch Behar.

G.R CASE No. 586-2023

Registration No: GR CASE No. 5861-2023

CNR No. WBCB07-000798-2023

Name of the parties :

STATE OF WEST BENGAL

VERSUS

01. Kalidas Das

02. Koushik Das @ Bikram

03. Mamani Das @ Krishna Das

04. Basanti Das @ Malati Roy

05. Rupashi Roy Das @ Alok Mala Modak

06. Beuty Das @ Jayashree Das

..... Accused Persons

Under Section 341/323/354/506/34 of Indian Penal Code

Judgment delivered on the 12 th day of June, 2026.

JUDGMENT

This is a case Under Section 341/323/325/354/506/34 of Indian Penal Code. The accused persons are booked Under Section 341/323/354/506/34 of Indian Penal Code.

Prosecution story in a nut shell:

The prosecution case, details apart is that, one Majan Das filed a written complaint to the effect that, on 26.09.2023 at about 10.00 a.m. when her son-Subodh Das was leaving for his work the accused persons accosted him in front of their house. Then the accused no. 1 with the intention of killing her son hit him on the left side of the shoulder and the head with a wooden beam. He sustained bleeding injuries. Then hearing his hue and cry she rushed to the spot along with her niece Shipra Das, brother-in-law Bipul Das and nephew Laden Das.

When they reached the place of occurrence, all the accused persons hit her with a wooden stick on her head. They hit Shipra Das on her left hand with wooden stick and also assaulted her with fist and blow. Then the accused persons hit Bipul Das with wooden stick all over his body. The accused no. 2 hit Laden Das on his left leg with a knife. The accused persons tore the wearing apparels of all the victims. The son of the complainant was taken to Dinhata Hospital as he was bleeding profusely and he was given 10 stitches on his head. Hence, this case.

Purports of the proceedings:

On the basis of the said information, the Dinhata P.S case no. 550 of 2023, dated 26.09.2023 was initiated under Section 341/323/325/354/506/34 of Indian Penal Code and the investigation was endorsed to A.S.I of Police, Atul Chandra Barman.

During the investigation the I.O has done the needful and on the completion of the investigation he has submitted charge-sheet U/S 341/323/354/506/34 of Indian Penal Code of which the cognizance was taken and copy served to the accused persons U/s 207 Cr.P.C. Thereafter the trial began.

On 28.03.2025 the case record was taken up for framing of the charge. The substance of the offence Under Section 341/323/354/506/34 of Indian Penal Code, was read over and explained to the accused persons to which each of them pleaded 'not guilty' and claimed to be tried under the procedure established by law.

Then on 11.06.2025 one Pocha Das was examined as PW-1. Then on 12.06.2025 Mantosh Das and Dr. Gopinath Saha were examined as PW-2 & PW-3, respectively. Thereafter, on 13.06.2025 Majan Das and Subodh Das were examined as PW-4 and PW-5. Thereafter, the evidence for the prosecution was closed, on the consent of Ld. A.P.P.

The examination of the accused persons U/s 313 CrPC was taken on 17.04.2026. The accused persons claimed to be innocent and denied all the allegations. The accused persons declined to adduce defence witness.

The accused persons declined to produce any evidence in their behalf. No DWS have been adduced by the accused persons. The defence story had only been the total denial of the prosecution story.

POINTS FOR DETERMINATION

- * Whether the accused persons are guilty of any offences as alleged in the charge sheet?
- * Whether the prosecution has been able to prove its case ?

I have heard the oral argument advanced by both the parties. I have also gone through the evidences available on record. My decision and reasons for my judgment are discussed below.

DECISION

POINT NO. 1 AND 2:

In this case, the issues are taken together for the sake of convenience and brevity of discussion.

It is interesting to note in this case is that, the prosecution failed to produce any of the other victims apart from the complainant and her son as witness in this case. This itself is fatal to the prosecution case.

The other independent witnesses as produced by the prosecution could not state anything incriminating and they were declared hostile by the prosecution. In spite of that they failed to state anything incriminating against the accused persons.

Though the FIR reflects that four people were assaulted that day, but we can find injury report of only one person namely Subodh Das, the son of the de-facto complainant. But it can be appreciated that in the FIR itself it has been reflected that only Subodh Das was taken to the hospital. The FIR mentions that Laden Das was injured with a knife on his left leg by accused no. 2 and he sustained bleeding injury. So, the question arises, was he not taken to the doctor for treatment. The prosecution failed to answer this question.

PW-4 has stated that her son was assaulted by Kalidas. PW-5 who is the victim has stated that he was assaulted by the accused persons on his left leg and shoulder. The FIR also reflects that all the accused persons assaulted the victim son. So, there is a contradiction in the evidence of PW-4 and PW-5 and the facts in the FIR as regard the identity of the assailant of the victim son. Whether all accused persons assaulted him or whether he was assaulted by solely Kalidas.

Exhibit P-2 is the injury report of the victim son Subodh Das. He was treated on 26.09.2023 at about 10.57 a.m. He was attended by the doctor who has been examined as PW-3. PW-3 has stated that the victim came with the history of physical assault with lathi by the villagers. On examination he found fresh cut injury on the left parietal region of 5 c.m. x 1 c.m. On perusal of the Exhibit P-2, it can be seen that the patient came with the history of physical assault by Kalidas and Koushik Das. So, yet again the identity of assailant changes.

The time of offence as mentioned in the Exhibit P-2 is 10.30 a.m., which is contrary to the time mentioned in the FIR. PW-4 has stated the time of incident as 10.30 a.m. and contrary to this PW-5 has stated the time of incident as 10.00 a.m. The victim was advised to undertake CT scan of head. But no CT scan report has been produced by the prosecution.

The FIR mentions that the victim was given 10 stitches on the head but neither the doctor has stated in his evidence that 10 stitches were given to the victim nor there is any mention of 10 stitches being given to the victim, in the deposition of PW-4 or PW-5.

First, the exact time of offence cannot be ascertained conclusively and PW-5 has stated that the incident lasted for 5-7 minutes. Now, the victim was treated at the hospital at 10.57 a.m. So, if the time of offence is considered as 10.00 a.m. why there was a delay of 15 minutes in the treatment by the doctor and if the time of incident is taken as 10.30 a.m. why there was the delay of 20 minutes in the treatment. The prosecution has failed to explain if the time was taken to take the victim from the place of occurrence to the hospital.

Interestingly, PW-4 has stated that her son was taken to Dinhata Hospital and from there he was taken to Coochbehar where the X-ray of his head was done. The X-ray report is not produced before the court.

This case reeks with contradictions and inconsistencies in the evidence and also defective investigation which has shaken the very foundation of the prosecution case.

Prosecution has failed to produce any witness who could have had stated anything incriminating against the accused persons.

This has made the whole prosecution case infructuous. There is not even a single scrap evidence to support the prosecution case. Not a single evidence has come in favour of the Prosecution, which can incriminate the accused persons.

Considering these facts and the evidence on record, this Court is constrained to hold the accused not guilty as alleged as there is no dint of evidence against the accused persons. The Prosecution has failed to prove the case beyond reasonable doubt.

Hence, it is,

ORDERED

that the present accused persons, 01. Kalidas Das 02. Koushik Das @ Bikram 03. Mamani Das @ Krishna Das 04. Basanti Das @ Malati Roy 05. Rupashi Roy Das @ Alok Mala Modak 06. Beuty Das @ Jayashree Das are found to be not guilty of the offences Under Section 341/323/354/506/34 of Indian Penal Code and is hereby acquitted u/s 248(1) of Code of Criminal Procedure from the aforesaid charges.

The concerned sureties are discharged from their liabilities. Inform the concerned sureties.

The accused persons be released from the bail bonds.

Let a copy of this judgement be forwarded to DLSA, Dinhata for due intimation to the victim under section 2 (wa) of Code of Criminal Procedure.

Let a copy of Ordering portion of the judgement be forwarded to the Learned APP in charge of this case, for the purpose of dispose of the Case Diary as per Law.

Let the copy of the ordering portion of the judgement be forwarded to the General Registrar of Offences (G.R.O), Dinhata for making necessary noting in the General Register of Offences and drawing up final Memo.

Note in the T.R

Typed by me,

Additional Chief Judicial Magistrate
Dinhata, Cooch Behar
WBO1175

Additional Chief Judicial Magistrate
Dinhata, Cooch Behar
WBO1175