

GR CASE NO. 81-2022

CIS GR CASE NO. 81-2022

State of West Bengal Vs. Ukil Debnath and Four others

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

FORM A

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 : 11.06.2026] GR CASE NO. 81-2022 CIS GR CASE NO. 81-2022 ( Dinhata P.S Case No. 70 Dated 13.02.2022 )	
Complainant	State Of West Bengal
Represented by	Sanjay Barman, Ld. APP
Accused	01. Ukil Debnath 02. Rabi Debnath 03. Manoranjan Debnath 04. Bholā Debnath 05. Ratna Debnath
Represented by	Masud Hasan

FORM B

Date Of Offence	13.02.2022
Date of FIR	13.02.2022
Date of Charge Sheet	28.03.2022
Date Of Framing Charge	19.09.2024
Date of Commencement of Evidence	18.02.2025
Date on which Judgement is reserved	11.06.2026
Date of Judgement	11.06.2026
Date of the sentencing order, if any	NA

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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. Ukil Debnath 02. Rabi Debnath 03. Manoranjan Debnath 04. Bhola Debnath 05. Ratna Debnath	01.03.2022	01.03.2022	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	Nanda Debnath	Defacto complainant
PW-2	Sunati Debnath	Wife of de-facto complainant
PW-3	Arjun Debnath	Independent witness
PW-4	Bikash Sen	Scribe
PW-5	Shailen Debnath	Independent witness
PW-6	ASI Tapash Chandra Roy	Investigating officer

B. Defence witnesses, if any : NA

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Serial Number	Exhibit Number	Description
01.	Exhibit P-1	Written complaint
02.	Exhibit P-1/1	Signature of PW-1 on the W/C
03.	Exhibit P-2	Formal FIR
04.	Exhibit P-2/1	Receiving endorsement of the recording officer/Debasish Roy
05.	Exhibit P-3	Rough sketch map
06.	Exhibit P-4	Index

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. 81-2022

Registration No: GR CASE No. 81-2022

CNR No. WBCB07-000979-2022

**Name of the parties :**

STATE OF WEST BENGAL

VERSUS

01. Ukil Debnath

02. Rabi Debnath

03. Manoranjan Debnath

04. Bholā Debnath

05. Ratna Debnath

..... Accused Persons

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

Judgment delivered on the 11 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 Nanda Debnath filed a written complaint to the effect that, the accused persons are their adjoining neighbours. Then on 10.03.2022 in between 11.00 to 11.30 a.m. in the morning he had a verbal spat with the accused persons. His brother Dulal Debnath tried to re-conciliate the matter. At this time the accused persons being pre-meditated attacked the complainant with wooden stick and hit him on his face. He had bleeding injury from his lips. They assaulted all over his body because of which he sustained bruises. They even throttled him by the neck with the intention of killing him. He rescued himself and shouted for help. On hearing his cry, his wife Sunati Debnath came to the place of occurrence to his rescue. But the accused persons assaulted her as well and tore her wearing apparels and outraged her modesty. Hence, this case.

**Purports of the proceedings:**

On the basis of the said information, the Dinhata P.S case no. 70 of 2022, dated 13.02.2022 was initiated under Section 341/323/354/506/34 of Indian Penal Code and the investigation was endorsed to A.S.I of Police, Tapash Chandra Roy.

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 19.09.2024 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 18.02.2025 one Nanda Debnath, Sunati Debnath were examined as PW-1 and PW-2, respectively. Then on 17.04.2025, Arjun Debnath, Bikash Sen were examined as PW-3 & PW-4, respectively. Thereafter, on 18.09.2025, Shailen Debnath was examined as PW-5 and on 30.10.2025, ASI Tapash Chandra Roy was examined as PW-6. 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 27.01.2026. 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.

There are two victims in this case, the de-facto complainant and his wife. As is the case, only these two have given incriminating evidence against the accused persons. PW-3 and PW-5 are the neighbours of both the complainant and the accused persons. But they have not stated any substantial facts in connection with the case.

As is apparent from Exhibit P-3, which is the rough sketch map with index, that the place of occurrence, hereinafter referred to P.O. is the house of Dulal Debnath. This fact has been attested by PW-1 and PW-2. Surprisingly, Dulal Debnath who was present in the said Salishi meeting has not been brought by the Prosecution as witness in this case and neither he has been cited as witness by the investigating agency.

The Prosecution case relies on the ocular testimony only of the victims. It is interesting to note that PW-1 has stated that only Ukil Debnath and his wife Ratan Debnath assaulted him and his wife and tore the wearing apparels of his wife. But PW-2 has stated that all the accused persons assaulted her husband and two of the accused persons throttled the neck of her husband, but she does not specify which two accused persons.

PW-1 and PW-2 both have stated that they were treated at the hospital. But the court fails to find the medical papers of these two victims. Either the victims were not treated at the hospital, which makes the testimony of PW-1 and PW-2 false, or the investigating officer did not collect the injury report, which shows a defective investigation and runs against the prosecution case.

When it is not proved by the Prosecution which accused committed what offence or all of them committed the offence conjointly and in furtherance of common intention an adverse presumption has to be drawn and benefit of doubt ought to be given to the defence.

There is not a single evidence on record wherein the witnesses have stated that they were criminally intimidated by the accused persons.

There is no cogent evidence to show that the accused persons were at the P.O or that they committed any of the offence of causing hurt to the complainant or his wife or outraging the modesty of the complainant.

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. Ukil Debnath 02. Rabi Debnath 03. Manoranjan Debnath 04. Bholu Debnath 05. Ratna Debnath 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, Dinhatu 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), Dinhatu 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