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GR- 700/2023  
TR- 393/2025

**IN THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE,  
DINHATA, COOCHBEHAR.**

Present : Sri. Pranay Subba,  
Addl. Chief Judicial Magistrate,  
Dinhata, Coochbehar.  
J.O. Code- WB01225

Date of delivery of Judgment : 10.04.2026  
GR- 700/23 (Registration No.- 700/23)  
TR- 393/25 (CNR WBCB07-001067-2023)  
Arising out of Dinhata P.S Case No. 664/23 dated 28.11.23,  
U/S- 341/323/325/427/506 of IPC  
Case u/s. 341/323/325/427/506 of Indian Penal Code

Complainant	State of West Bengal
Represented by:	Sanjay Barman, Ld. APP
Accused:	Bikash Sarkar
Represented by:	Abu Sahid Hossain, Ld. Advocate

Date of offence	28.11.2023
Date of First Information Report	28.11.2023
Date of Charge Sheet	submitted before Court on 12.12.2024
Date of Framing of Charge / Plea	17.02.2026
Date of Commencement of Evidence	06.03.2026
Date of which Judgment is reserved	NA
Date of Judgment	10.04.2026
Date of Sentencing of Order, if any,	NA

*Accused Details:*

Rank of Accused	Name of Accused	Date of Arrest/sur render	Date of Release on Bail	Offence Charged with	Whether Acquitted or Convicted	Sentence	Period of detention undergone during trial for the purpose of Section 425 Cr.P.C
A-1	Bikash Sarkar	11.12.23	04.12.23	341/323/325/427/506 of IPC	Acquitted	NA	NA

*List of Prosecution / Defense / Court Witness:*

*A. Prosecution Witness*

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
PW 01	Shukla Sarkar	De-facto complainant
PW 02	Baban Sarkar	Husband of the de-facto complainant

*B. Defence Witness, If any,*

Rank	Name	Nature of Evidence
NIL	NIL	NIL

*C. Court Witness, If any,*

Rank	Name	Nature of Evidence
NIL	NIL	NIL

*List of Prosecution / Defence / Court Exhibits:**A. Prosecution:*

Sl. No	Exhibit Number	Description
1	Exhibit P/1	Signature of PW1 on the written complaint

*B. Defence:*

Sl. No	Exhibit Number	Description
NIL	NIL	NIL

*C. Court Exhibit:*

Sl. No	Exhibit Number	Description
NIL	NIL	NIL

*D. Material Objects:*

Sl. No	Exhibit Number	Description
NIL	NIL	NIL

**Factual Matrix:-**

*The instant case is under section 341/323/325/427/506 of Indian Penal Code. This case was initiated on the basis of FIR lodged by the de-facto complainant, Shukla Sarkar against the accused person above named.*

*The factual matrix of the case as alleged by the de-facto complainant is that on 27.11.23 at about 16.30 hrs, the accused person wrongfully restrained the de-facto complainant at Nigam Nagar, Village II, P.S.- Dinhata, Dist. Coochbehar and assaulted her with fist and blows. On seeing this, the complainant's husband reached to the spot to rescue her but the accused person also assaulted him with iron rod and damaged his motor cycle. Hearing the hue and cry, the locals came to the spot and the accused persons then left the spot after threatening them with dire consequences. Due to the assault complainant's husband sustained bleeding injury and was admitted at Dinhata S.D. Hospital. Hence, the case was lodged.*

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Ultimately, FIR was lodged and on receipt of the same Dinhata P.S Case No. 664/23 dated 28.11.23, was started under section 341/323/325/427/506 of the IPC.

One Dichhen Lama, S.I. of Dinhata Police station investigated the matter and submitted Charge-Sheet being no. 49/24 dated 30.01.24 under section 341/323/325/427/506 of the IPC was submitted against the accused person above named.

Later on, charge was framed by this court under section 341/323/325/427/506 of the IPC against the aforesaid accused person and the contents of the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Hence, the trial began.

To prove the prosecution case prosecution examined Shukla Sarkar and Baban Sarkar as PW1 & PW2, respectively.

At the conclusion of the trial, the accused persons were examined U/S 313 CrPC and their answers was recorded in separate sheet under the prescribed form and kept in the record. As the accused person declined to adduce any DW, the matter was heard in argument from both sides at length.

### **Points for Consideration**

a) Has the prosecution been able to prove its case against the accused persons beyond reasonable doubt ?

b) Are the accused persons guilty of the offence punishable under sections 341/323/325/427/506 of the IPC ?

### **Decisions With Reasons**

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

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*PW-1/ Shukla Sarkar (De-facto complainant) had deposed that the case was filed due to some misunderstanding and now it has been cleared and she failed to state as to who had written the complaint for her and she has no objection if the accused person is acquitted from this case.*

*PW-2/ Baban Sarkar (husband of de-facto complainant) had deposed that he does not know why his wife had lodged this case.*

*This being the totality of the evidence recorded from the side of the prosecution we find that not even the contents of the FIR has been proved in this case. The vital witness i.e. de-facto complainant's deposition failed to bring any venomous or incriminating evidence against the accused person, is a blow to the prosecution case. As such, there is absolute dearth of evidence on record resulting failure of the prosecution to prove its case. Accordingly, both the points for determination are decided in negative against the prosecution.*

*Hence, it is,*

**ORDERED**

*That the accused person namely Bikash Sarkar is found not guilty of committing the offences punishable under section 341/323/325/427/506 of the IPC and he is hereby acquitted under Section 248 (1) of CrPC.*

*The accused person is on Court bail. He be discharged forthwith from his respective bail bond and be set at liberty.*

*The victim is at liberty to file appeal through Legal Aid.*

*Let a copy of this order be sent to the Secretary, District Legal Service Authority, Coochbehar and District Magistrate, Coochbehar at once.*

*D/C. by me..*

*Sd. Pranay Subba  
Addl. Chief Judicial Magistrate,  
Dinhata, Coochbehar.*

*Sd. Pranay Subba  
Addl. Chief Judicial Magistrate,  
Dinhata, Coochbehar.*