

GR(I) 700 of 2020
Reg No. GR 700 of 2020

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: <u>The 6th day of June, 2026</u>	
<u>GR(I) 700 of 2020</u> <u>Reg No. GR-700 of 2020</u> <u>CNR WCB 07-001608-2020</u> <u>T.R. No. 59 of 2024</u>	
<u>Sahebganj P.S. case No 582 of 2020 dated 30.12.2020 under Section 448/325/323/354/427/506/34 IPC</u>	
COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. APP-in-charge Mr. Nihar Ranjan Gupta
ACCUSED	1) Nur Mohammad Miah S/O Abdul Choban Miah 2) Choleman Miah S/O Abdul Choban Miah 3) Nur Amin Miah S/O Abdul Choban Miah 4) Khoseda Bibi @ Khadeja Khatun @ Bibi, W/O- Nur Mohammad Miah 5) Majeda Bibi, W/O-Abdul Choban Miah 6) Sajina Bibi, Abdul Choban Miah All of residence of Shikarpur, P.S Sahebganj, Dist. Cooch Behar.
REPRESENTED BY	Ld. Advocate Asraful Alam

Form No. (M) 35

FORM B

Date of Offence	23.12.2020
Date of FIR	30.12.2020
Date of Chargesheet	28.02.2021
Date of Framing of Charges	11.05.2026
Date of commencement of Evidence	18.05.2026
Date on which Judgment is reserved	06.06.2026
Date of Judgment	06.06.2026
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.	Nur Mohammad Miah	N.A	11.02.2021	Section 448/323/354/506/34 of IPC	Acquitted	N.A.	N.A.
2.	Choleman Miah	20.06.2021	20.06.2021	Section 448/323/354/506/34 of IPC	Acquitted	N.A.	N.A.
3.	Nur Amin Miah	N.A	07.10.2023	Section 448/323/354/506/34 of IPC	Acquitted	N.A.	N.A.
4.	Khoseda Bibi @ Khadeja Khatun @ Bibi	N.A	11.02.2021	Section 448/323/354/506/34 of IPC	Acquitted	N.A.	N.A.
5.	Majeda Bibi	N.A	11.02.2021	Section 448/323/354/506/34 of IPC	Acquitted	N.A.	N.A.
6.	Sajina Bibi	N.A	25.10.2021	Section 448/323/354/506/34 of IPC	Acquitted	N.A.	N.A.

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JUDGMENT

1. This case arose out of an written complaint filed by one Nur Jamal Mia before O/C Sahebganj P.S with on 23.12.2020 at 2:00 p.m the accused persons forcefully entered into his land and tried to take electric wire over the land. When he protested they abused him with filthy languages and pushed him and entered into his house and assaulted him with fists and blows. He sustained cut injury on his lips. When his wife came to rescue him, the accused also assaulted her and the accused nos. 1 2 and 3 outraged her modesty by pulling her wearing apparels. When their minor son came to rescue them, he was also assaulted with 'lathi' and fists. The accused destroyed the bamboo fencing and some trees. Hearing their hue and cry, local people intervened and rescued them. Hence, the written complaint.

2. On the basis of the complaint, Sahebganj P.S. case No 582 of 2020 dated 30.12.2020 under Section 448/325/323/354/427/506/34 IPC was registered. Investigation of the case was taken up and after completion of investigation, Charge Sheet no. 98 of 2021 dated 28.02.2021 was submitted against the above named accused persons under Section 448/323/354/506/34 of IPC. Cognizance of the case was taken and it was transferred to this Court for disposal on 16.04.2024. Charge was framed against the accused persons U/S- 448/323/354/506/34 on 11.05.2026. 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- Nurjamal Miah
P.W.2- Chelaya Bibi
P.W.3- Sajidul Hoque

4. The following document are marked as Exhibits:

Exhibit P-1/PW1- Signature of P.W.1 on the written complaint

5. After closure of the prosecution evidence on 18.05.2026, 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 448/323/354/506/34 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 defacto complainant who stated about verbal altercation and subsequent misunderstanding as the reason of filing of this case. He failed to recollect the exact date of the incident and the contents of the complaint in his cross-examination. The P.W-2 and P.W-3 who are the victims of this case did not help the version of the prosecution as they stated that due to altercation the P.W-1 filed this case. There is nothing in evidence to attract the ingredients of offence u/s- 448/323/354/506 of I.P.C. In this circumstances, this court finds no other alternative but to hold that the charge against the accused is not proved.

9. 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.

10. Hence, it is

ORDERED

that the accused persons above named are found not guilty of the offence under Section 448/323/354/506/34 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 alat 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.

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D/C by me

(Pratyay Pal)
Judicial Magistrate, Dinhata

(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)
1.	Nurjamal Miah	Defacto complainant
2.	Chalaya Bibi	Victim
3.	Sajidul Hoque	Victim

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	Signature of P.W.1 on the written complaint

B. Defence:

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

C. Court Exhibits:

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.

(Pratyay Pal)
Judicial Magistrate, Dinhata.