

GR CASE NO. 261-2018
CIS GR CASE NO. 261-2018
State of West Bengal Vs. Paresh Ch. Barman and Four others
Under Section 448/354/506/34 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 : 13.08.2026] GR CASE NO. 261-2018 CIS GR CASE NO. 261-2018 (Dinhata P.S Case No. 267/2018 Dated 24.07.2018)	
Complainant	State Of West Bengal
Represented by	Sanjay Barman, Ld. APP
Accused	01. Paresh Chandra Barman 02. Brojen Barman 03. Sanjoy Barman 04. Dhanonjoy Barman 05.Probhash Barman
Represented by	Jewel Barman

FORM B

Date Of Offence	22.07.2018
Date of FIR	24.07.2018
Date of Charge Sheet	31.08.2018
Date Of Framing Charge	22.12.2025
Date of Commencement of Evidence	16.02.2026
Date on which Judgement is reserved	11.08.2026
Date of Judgement	13.08.2026
Date of the sentencing order, if any	NA

GR CASE NO. 261-2018

CIS GR CASE NO. 261-2018

State of West Bengal Vs. Paresh Ch. Barman and Four others

Under Section 448/354/506/34 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. Paresh Chandra Barman 02. Brojen Barman 03. Sanjoy Barman 04.Dhanonjoy Barman 05.Probhash Barman		27.08.2018 25.09.2018 04.10.2018	Under Section 448/354/506/34 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	Kanu Barman	Defacto complainant
PW-2	Biswa Barman	Step brother of de-facto
PW-3	Swapan Barman	Nephew of de-facto
PW-4	SI Jyotiranjana Barman	Investigating officer
PW-5	Anita Brman	Daughter-in-law of de-facto
PW-6	Jyotsna Barman	Victim

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-3 (series)	Rough sketch map with 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. 261-2018

Registration No: GR CASE No. 261-2018

CNR No. WBCB07-007015-2018

Name of the parties :

STATE OF WEST BENGAL

VERSUS

01. Paresh Chandra Barman

02. Brojen Barman

03. Sanjoy Barman

04.Dhanonjoy Barman

05.Probhash Barman

..... Accused Persons

Under Section 448/354/506/34 of Indian Penal Code

Judgment delivered on the 13 th day of August, 2026.

JUDGMENT

This is a case Under Section 448/354/506/34 of Indian Penal Code. The accused persons are booked Under Section 448/354/506/34 of Indian Penal Code.

Prosecution story in a nut shell:

The prosecution case, details apart is that, one Kanu Barman filed a written complaint to the effect that, on 24.07.2018 at about 07.00 p.m. the accused persons being armed with iron rod, knife and bomb attacked their house and vandalized their house. They assaulted the female members of his house and also outraged their modesty. They also threatened to kill him. On hearing the hue and cry the local people came there and the accused persons fled away. Hence, this case.

Purports of the proceedings:

On the basis of the said information, the Dinhata P.S case no. 267 of 2018, dated 24.07.2018 was initiated under Section 448/427/354/506/34 of Indian Penal Code and the investigation was endorsed to S.I of Police, Jyoti Ranjan 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 448/354/506/34 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 22.12.2025 the case record was taken up for framing of the charge. The substance of the offence Under Section 448/354/506/34 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 05.06.2026, Kanu Barman was examined as PW-1. On 07.07.2026, Biswa Barman, Swapan Barman and SI Jyotiranjan Barman were examined as PW-2, PW-3 and PW-4, respectively. On 11.08.2026, Anita Barman and Jyotsna Barman were examined as PW-5 and PW-6, respectively. 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 13.08.2026. 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.

PW-1 has stated in his examination that the accused persons being armed with wooden sticks, 'ballam' and other weapons entered into his house illegally and molested the female members of his family namely Jyotsna Barman, his wife and his daughter-in-law Anita Barman.

Anita Barman and Jyotsna Barman were summoned under section 311 of CrPC, because the investigating agency failed to cite them as witness. This not only shows defect in the investigation but a great lacuna in the Prosecution case.

It has to be noted that all the witnesses in this case are related to the de-facto complainant and are interested witnesses in this case. But it has to be seen whether the fact of them being interested in the case outshines their evidentiary value if otherwise their evidence is found to be cogent and corroborative.

As per PW-1, the de-facto complainant, the house was vandalized and the modesty of the female members like his wife and daughter-in-law were outraged.

PW-5 is the daughter-in-law Anita Barman, who has stated that she did not see the miscreants who had entered and vandalized their house because she was inside the room. She further stated that, apart from damaging the tin fence, the miscreants did not do anything to them. So, this is in sharp contradiction to the statement made by the de-facto. There is nothing in her evidence to show that her modesty was outraged by the accused persons.

PW-5 not only failed to identify the accused persons, she did not state anything incriminating against the accused persons.

PW-6 is the wife of the de-facto complainant, even she has stated that accused Paresh, Brajen and Dhananjay with some other miscreants entered their house illegally and damaged the tin fence but they did not do anything to them. Like in the case of PW-3 her evidence is also in sharp contradiction to the statement made by PW-1. She also stated that she was inside the room and she did not see anything.

So, the allegation of the accused persons vandalizing the house of the complainant stands on wobbly footing as there is lot of contradiction.

The evidence of PW-2 is a hearsay evidence as he himself has admitted to the fact that he did not see the incident himself but he heard about the accused persons vandalizing the house of the complainant.

Similarly, the evidence of PW-3 is also a hearsay evidence as he has admitted that he was not home at the date and time of the incident and after returning home he heard that Paresh Barman and others had attacked the house of Kanu Barman.

Now, the whole Prosecution stands on the single line of the complainant, in the FIR wherein it is mentioned that the accused persons threatened to kill him. Unfortunately, for the Prosecution case none of the witnesses including the de-facto and the female victims have stated in their depositions that the accused persons had threatened to kill the complainant or any of his family members.

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. Paresh Chandra Barman 02. Brojen Barman 03. Sanjoy Barman 04. Dhanonjoy Barman 05. Probhash Barman are found to be not guilty of the offences Under Section 448/354/506/34 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

D/C by me

Additional Chief Judicial Magistrate
Dinhata, Cooch Behar
WBO1175

08

Additional Chief Judicial Magistrate
Dinhata, Cooch Behar
WBO1175