

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, CALCUTTA

Present : Smt. Payel Banerjee, [J.O Code: WB01117]

Chief Judicial Magistrate, Calcutta.

[Date of the Judgement: 16.03.2026]

[Case No. GR/421/2017]

T.R No. 171/2017

Reg. No. GRS/421/2017

CNR No. WBCS02-051775-2017

(FIR No.92/2017 dt.04.03.2017, U/s.323/341/504/506 of IPC, Police Station- Hare
Street)

COMPLAINANT	STATE
REPRESENTED BY	RADHANATH RONGH, ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	1. GOURAV BISWAS, S/O LATE ARUN BARAN BISWAS, ADDRESS: 24/4, GARCHA 1ST LANE, P.S- GARIAHAT, KOLKATA-19. 2. RAJARSHI LAHARI, S/O A.M LAHARI, ADDRESS: P-471, LAKE TERRACE EXTENSION, P.S- LAKE. 3. SANJAY GOSWAMI, S/O LATE S.K GOSWAMI, ADDRESS: 59/1B, HINDUSTAN PARK, P.S- GARIAHAT, KOLKATA-29.
REPRESENTED BY	SUDIPTO PAUL, INDRAJIT CHATTERJEE AND PARAMITA BOSE

Form No. (M) 35

Date of Offence	04.03.2017
Date of FIR	04.03.2017
Date of Charge-sheet	20.06.2017
Date of taking plea	27.08.2025
Date of commencement of Evidence	12.03.2026
Date on which Judgement is reserved	16.03.2026
Date of the Judgement	16.03.2026
Date of the Sentencing Order, if any	NIL

Accused details:

Rank of the accused	Name of the 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	Gourav Biswas	Surrendered before Court on 24.03.2017	24.03.2017	323/341/504/506 IPC	acquitted	N/A	NIL
2	Rajarshi Lahari	Surrendered before Court on 22.03.2017	22.03.2017	323/341/504/506 IPC	acquitted	N/A	NIL
3	Sanjoy Goswami	Surrendered before Court on 22.03.2017	22.03.2017	323/341/504/506 IPC	acquitted	N/A	NIL

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)
PW1	Sk Jahangir	Independent witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

B. Defence:

Sr. No.	Exhibit Number	Description
1	NIL	NIL

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	NIL	NIL

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	NIL	NIL

PROSECUTION CASE IN A NUTSHELL:

The compendium of the prosecution case, as unfolded during trial stands as follows:

Prosecution case, details apart is that on 04.03.2017 at about 14:55 hours the accused persons in pursuant to a criminal conspiracy wrongfully restrained the informant and assaulted him. As a result of such assault he sustained injury on his person. Accused persons also intentionally insulted him to provoke breach of peace, used filthy languages and threatened him with dire consequences.

DEFENCE CASE IN NUTSHELL:

Defense case as can be captured from the cross examination of the prosecution witnesses and examination of the accused persons u/s 313 of Cr.P.C is the total denial of the prosecution case.

THE INVESTIGATION

After receiving complaint O.C. of Hare Street Police Station started this case being no. 92/2017 dated 04.03.2017 u/s 323/341/504/506 of the Indian Penal Code (in short IPC) was initiated against the above named accused persons, and S.I, Md. Intekhab Alam was endorsed with the investigation. The said I.O. of this case visited the place of occurrence, recorded the statement of the witnesses under section 161 of CrPC. When he collected sufficient evidence and a prima-facie case has been well established the I.O of this case as per the direction of his superior submitted the

Charge Sheet No. 170/2017 dated 20.06.2017 under section 323/341/504/506 of IPC against the accused persons.

THE PLEA:

After hearing the Learned Additional Public Prosecutor for the State as well as Learned Defence Counsel, substance of the accusations for the offence punishable u/s 323/341/504/506 of the IPC were read over and explained to the accused persons in Bengali to which the accused persons pleaded not guilty and claimed to be tried vide order dated on 27.08.2025. Accordingly, they were put on trial.

EXAMINATION U/S 313 CR.P.C:

In their examination under section 313 of CrPC, on 16.03.2026, the accused persons denied all the allegation made against them and claimed that they are not guilty and denied to give any evidence in their support.

THE ARGUMENT:

Ld. A.P.P. argued that the prosecution witnesses failed to corroborate the story of prosecution and left the entire matter upon court for adjudication. On the other hand, Ld. Advocate for the accused persons argued that the independent witnesses did not make any incriminating allegation against the accused persons and therefore, the accused persons are liable to be acquitted.

POINTS FOR DETERMINATION:

1) Whether the accused persons committed offences punishable u/s 323/341/504/506 of IPC?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the accusations beyond reasonable doubt as against the accused persons?

DECISION WITH REASONS:

Let us scan through the evidence adduced by the prosecution in the following paragraphs in order to reach a judicially acceptable determination.

Both the points for determination are taken up for brevity of discussion.

The victim cum the de facto complainant did not come before the court to corroborate the prosecution story. We know FIR is the most important document in prosecution case. FIR in a criminal case is required to be corroborated by evidences brought before the court by prosecution. In our case prosecution has failed to corroborate the FIR which undoubtedly weakens the case of prosecution.

Prosecution could able to bring only one independent witness who failed to state anything about this case.

On perusal of entire evidence of this case I find that prosecution failed to bring the de facto complainant cum victim in this case and as such prosecution story is not corroborated. No medical document or other documentary evidence has been proved by the prosecution.

In view of the discussion made herein and considering the above findings as a whole, this Court has no alternative but to hold that the prosecution has miserably failed to prove their case beyond all reasonable doubts and as such the accused persons deserve to be acquitted from this case.

Thus, the above points under determination are therefore answered in the negative.

Hence, it is,

ORDERED

That the accused persons namely, Gourav Biswas, Rajarshi Lahari and Sanjoy Goswami are not found guilty for the offence punishable u/s 341/323/504/506 of the IPC and they are accordingly acquitted from this case as per Section 255(1) Cr. P.C.

The accused persons are discharged from their bail bonds and set at liberty forthwith.

Note in T.R.

The judgment is pronounced in the open Court in presence of the accused persons and given under my hand and seal of the Court today.

Dictated & Corrected
read over and explained

Payel Banerjee
CJM, Calcutta
Date: 16.03.2026

GR- 421/2017
GR(S)- 421/2017
(JO Code-WB01117)
CNR No.-WBCS02-051775-2017

Order dated: 16.03.2026

Today is fixed for examination of accused U/S.313 of CrPC.
Accused persons are present.
Accused persons are examined U/S.313 CrPC in which they denied to tender any witness in their support.
Hence, record is taken up for argument.
Heard argument in full.
Judgement will be delivered at 2.30 p.m.

D/c,

CJM, Calcutta.

Later:

16.03.2026

Record is taken up for passing judgement.
Accused persons are present.
Judgement is delivered in open Court in presence of accused.
Operative part of judgement is as follows:

Hence, it is,

O R D E R E D

That the accused persons namely, Gourav Biswas, Rajarshi Lahari and Sanjoy Goswami are not found guilty for the offence punishable u/s 341/323/504/506 of the IPC and they are accordingly acquitted from this case as per Section 255(1) Cr. P.C.

The accused persons are discharged from their bail bonds and set at liberty forthwith.

Note in T.R.

The judgment is pronounced in the open Court in presence of the accused persons and given under my hand and seal of the Court today.

D/c,

CJM, Calcutta.