

WBDD060037452018



**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
GANGARAMPUR AT BUNIADPUR, DAKSHIN DINAJPUR**

**Present: Bibek Tamang,
Additional Chief Judicial Magistrate,
Gangarampur at Buniadpur,
Dakshin Dinajpur.**

**Case No: G.R. No. 656 of 2011.
T.R. No. 2706 of 2018.
C.I.S. No. 521 of 2018.**

**State
...Complainant**

vs.

**1) Tafijuddin Ahamed and 07 others
..... Accused.**

Date of delivery of Judgment on 13.07.2026

**THIS IS A CASE UNDER SECTION 147/148/149/448/325/506 of INDIAN
PENAL CODE.**

CASE OF THE PROSECUTION

The case of the prosecution as per the written complaint is that taking advantage of the absence of the husband of the defacto complainant, under the leadership of accused Tafijuddin Ahamed, the accused attacked the house of the defacto complainant and assaulted her and ousted her from her house. Hearing hue and cry, the husband of defacto complainant is said to have come from the field to the spot and the accused Tafijuddin is alleged to have fired at the husband of defacto complainant with a pistol and the bullet is said to have grazed from his ear. The bhasur of defacto complainant is said to have come to rescue but the accused are said to have assaulted him with iron rod and lathi on his head and body. It is also alleged that the accused were forcefully possessing the pond named Bamahat without getting any tender from the Pradhan and meeting had also been held in the village in the presence of Pradhan but the Pradhan had been in favor of accused and had instead threatened them with dire consequences.

DATE OF FILING COMPLAINT-13.07.2026.

INVESTIGATION

After investigation the Investigating Officer submitted Charge-sheet under section **147/148/149/448/325/506** of the Indian Penal Code, 1860 against 09 accused persons bearing Charge-sheet No. 191/ 2011 dated 28.11.2011. Accused Majibur Rahaman died during the pendency of trial.

CHARGE

Charge was framed against the accused persons for the offenses under sections **147/148/149/448/325/506** of the Indian Penal Code,1860 was read over and explained to them in Bengali language to which the accused pleaded “Not Guilty” by saying “Amra Nirdosh” and claimed to be tried in accordance to law.

WITNESSES

The prosecution has brought forth two (02) witnesses to bring home the guilt of the accused persons. The evidence chapter of the prosecution was closed on prayer of Ld. APP.

Prosecution witnesses	Name	
P.W.1	Sahanara Bibi	Defacto Complainant
P.W.2.	Atul Prasad Mishra	IO

EXHIBITS

1. Exhibit 1- Signature of PW1 on Written Complaint.

EXAMINATION U/S 313 OF Cr.P.C

The accused were examined under section 313 of the Cr.P.C. to which the accused stated that they have nothing to say. Upon being asked, the accused declined to adduce any witness on their behalf.

FINDINGS

It is the settled principle of criminal law that the guilt of the accused must be proved beyond reasonable doubt and to the exclusion of reasonable doubt.

The case of the prosecution is that the accused were forcefully possessing one pond in the village without any tender from the Pradhan and meeting had also been held in the village over this issue in the presence of the Pradhan but the Pradhan had been in favor of the accused. Subsequently, the accused are then said to have come to the house of the defacto complainant and taking advantage of the absence of the husband of defacto complainant, they had entered her house and forced her out of the house and assaulted her. When the husband of the defacto complainant is said to have come home after hearing hue and cry from his field, the accused Tafijuddin is said to have fired upon him but the bullet is said to have grazed from his ear. The bhasur of defacto complainant is also said to have come to the rescue but the accused are said to have assaulted him also with iron rod and lathi. During her testimony, PW1 deposed that there had been a misunderstanding with the accused and as such, she had filed this case against the accused. PW2 is the IO who had investigated this case and submitted charge sheet. PW2, being a police witness, could not shed any light into the incident but PQ1, the defacto complainant only stated that there had been a misunderstanding. Neither the alleged gun or bullet had been recovered during investigation nor were any provisions of the Arms Act incorporated. The testimony of PW1 stating that this case had been filed as a result of misunderstanding renders the entire case of the prosecution against the accused as defective. There is no materials on record to attract the provisions of sections

147/148/149/448/325/506 of the Indian Penal Code,1860 against the accused making the accused entitled to be acquitted from this case.

ORDER

that the accused persons namely Tafijuddin Ahamed, Zahirul Islam, Ajahar Hossain @ Ali, Minarul Rahaman, Mamtajul Rahaman, Imajuddin Ahamed and Jahangir Alam are found not guilty under section 271(1) of the BNSS as such they are hereby acquitted from this case for the offenses punishable under Section **147/148/149/448/325/506** of the Indian Penal Code.

The accused persons are hereby discharged from their respective bail bonds.

Let all seized alamats, if any, be disposed off in accordance with law.

Dictated & Corrected by me.

Bibek Tamang (WB01235)
Addl. Chief Judicial magistrate,
Gangarampur at Buniadpur.
13.07.2026

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