



GR 740 of 2023 Regd 356 of 2024

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

Present : Sagarika Khatun
(JO Code : W B-01483)
Judicial Magistrate, Gangarampur at Buniadpur
Dakshin Dinajpur.

Date Of Judgment : **17-07-2026**
G.R. Case No. **740 OF 2023**
T.R. No. **798 OF 2024**
CNR- **WBDD06-002115-2024**
Reg. No. **356 of 2024**

U/S- 341/447/323/506/34 of the IPC

(Details of FIR /Crime and Police Station)

Complainant	State of West Bengal
REPRESENTED BY	Ld. APP. Nipendu Dutta
ACCUSED	1. Manik Mandal @ Sudip Kr. Mandal 2. Subhankar Saha 3. Dipankar Saha 4. Bapan Paul @ Avijit 5. Chanchu Mandal @ Nitai
REPRESENTED BY	Ld. Advocate Shyamal Pal

Form B

Date of offence	07-07-2023
Date of FIR	15-07-2023
Date of Charge Sheet	31-7-2023
Date of Framing of Charges	23-08-2024
Date of Commencement of Evidence	16-06-2026
Date on which Judgment is reserved	NA
Date of Judgment	17-07-2026
Date of Sentencing Order , if any	Acquitted



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Accused details :

Rank of the accused	Name of the Accused	Date of arrest/surrender	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 crpc
A1	Manik Mandal @ Sudip Kr Mandal	24-07-2023	24-07-2023	u/S 341/447/32 3/506/34 IPC	Acquitted	N.A	N.A.
A2	Subhankar Saha	24-07-2023	24-07-2023	u/S 341/447/32 3/506/34 IPC	Acquitted	N.A	N.A
A3	Dipankar Saha	24-07-2023	24-07-2023	u/S 341/447/32 3/506/34 IPC	Acquitted	N.A	N.A.
A4	Bapan Paul @ Avijit	24-07-2023	24-07-2023	u/S 341/447/32 3/506/34 IPC	Acquitted	N.A	N.A.
A5	Chanchu Mandal @ Nitai	24-07-2023	24-07-2023	u/S 341/447/32 3/506/34 IPC	Acquitted	N.A	N.A.

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)
PW 1	Probhati Mandal	Defacto complainant



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P.W-2	Shiba Chandra Mandal	Jugal Chandra Mandal
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B . Defence witnesses , if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS , MEDICAL WITNESS, PANCH WITNESS , OTHER WITNESS)
DW	Nil	N.A

C. Court witnesses , if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS , MEDICAL WITNESS, PANCH WITNESS , OTHER WITNESS)
CW	Nil	N.A

List of Prosecution /Defence/ Court Exhibits

A. Prosecution :

Sr No	Exhibit No	Description
1	Exhibit-P1/PW-1	The signature of P.W-1 in the written complaint

B. Defence :

Sr No	Exhibit No	Description
Nil	Nil	Nil

C. Court :

Sr No	Exhibit No	Description
Nil	Nil	Nil

D. Material objects :

Sr No	Exhibit No	Description
Nil	Nil	Nil



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JUDGMENT

The Prosecution's case :

This case was initiated on the basis of written complaint made by the De-facto complainant namely **Probhati Mandal** on 15-07-2023 before **SDPO, Gangarampur at Buniadpur**. Accordingly, a criminal case has been started by **Banshihari PS** treating that written complaint as FIR u/s 154 (1) of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C for the sake of brevity).

The content of FIR in brief is that the defacto complainant namely **Probhati Mandal** has filed this case against the accused persons namely **1. Manik Mandal @ Sudip Kr. Mandal 2. Subhankar Saha 3. Dipankar Saha 4. Papan Paul 5. Bapan Paul @ Avijit 6. Chanchu Mandal @ Nitai** to the effect that on 07-07-2023 at around 12:00 hrs all the accused persons forcefully entered into the land of the complainant and built a drain. On being protested, all the accused persons assaulted the complainant and his son with fist and blows and bamboo sticks and outraged the modesty of the complainant. Upon their hue and cry, local people rushed to the spot and the accused persons fled away. The accused persons also threatened the complainant and his family members with dire consequences. As a result the complainant and his son received injuries on their persons and they were shifted to Rashidpur BPHC for treatment.

Banshihari P.S started a criminal case being **Banshihari P.S. case no. 171 of 2023** dated **06** against the accused persons.

Thereafter, the case was endorsed to an Officer of the concerned PS for investigation.

After completion of investigation, the Investigating Officer (IO) submitted Charge Sheet against accused persons namely **1. Manik Mandal @ Sudip Kr Mandal 2. Subhankar Saha 3. Dipankar Saha 4. Bapan Paul @ Avijit 5. Chanchu Mandal @ Nitai** vide CS no. **151 of 2023** dated **31-07-2023** for the offence punishable u/s- **341/447/323/506/34** of the Indian Penal Code.

The Court took cognizance of the offence and after that the accused persons appeared before the Court.

After serving copies to the accused persons the record was transferred to this Court on **24-05-2024** for trial and disposal.

On receipt of this case record the accused persons appeared before this Court. On **23-08-2024** the accused persons were examined **u/s 251 Cr.P.C** and substance of accusation for commission of offence punishable **u/s 341/447/323/506/34 of the Indian Penal Code** was read over and explained to the accused persons to which they pleaded not guilty. Thus the trial proceeds.



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To prove the case the prosecution has adduced two witnesses.

PW 1 : Prabhati Mondal who is defacto complainant herself.

PW 2 : Shiba Chandra Mandal who is a witness.

Following document has been marked as Exhibit :

The Signature of P.W-1 in the written complainant has been marked as **Exhibit-P1/PW-1**.

After closure of prosecution evidence, the record was taken up for examination of the accused persons u/s 313 of the Cr. P. C. They have refused to adduced any evidence. So, the defence evidence is closed. Ld. Advocate for the accused persons and Ld. APP submitted their respective arguments.

POINTS FOR CONSIDERATIONS ARE :-

1. Whether the accused persons with common intention wrongfully restrained **Prabhati Mandal and Shiba Chandra Mandal**?
2. Whether the accused persons with common intention forcefully trespassed into the land of **Prabhati Mandal**?
3. Whether the accused persons with common intention voluntarily caused hurt to **Prabhati Mandal and Shiba Chandra Mandal**?
4. Whether the accused persons with common intention threatened **Prabhati Mandal and Shiba Chandra Mandal** with dire consequences ?
5. Whether the accused persons are guilty of offence punishable **u/s- 341/447/323/506/34** of the Indian Penal Code?

DECISION WITH REASONS :-

Since all the points for consideration are interlinked they are taken up together for determination.



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The defacto complainant namely **Probhati Mandal** deposed before the court as **P.W-1** and while deposing she identified the accused persons namely Manik Mondal, Deepankar Saha, Subhankar Saha and two others on dock. She stated that the case was filed out of land dispute. She stated that the dispute has been settled between them amicably. She stated that she does not have any objection against the accused persons. She proved her signature in the written complaint which has been marked as **Exhibit-P1/P.W-1**.

Shiba Chandra Mandal deposed before the court as **P.W-2**. She stated that the defacto complainant is her mother. She stated that her mother has filed this case against 04 to 05 accused persons. She identified the accused persons on dock. She stated that the case was filed out of misunderstanding in connection to land dispute. She stated that she did not sustain any injury in the said incident. She stated that she has no allegation against the accused persons and would have no objection if they are acquitted from this case.

I have heard the arguments of both sides and perused the evidence from the record. It appears from the evidence of P.W-1 and P.W-2 who are defacto complainant and her daughter that this case was filed out of misunderstanding over land dispute. Both the witnesses deposed that they have no allegation against the accused persons and would have no objection if they are acquitted from this case. Furthermore, P.W-1 being the defacto complainant also stated that the dispute has been settled between them amicably and P.W-2 stated that she did not sustain any injury in the incident with regard to this case.

On perusal of entire evidences nothing has been proved against the accused persons and the prosecution case has got no hope to succeed in this case. The evidences adduced in this case does not support the prosecution case and as such the accused persons are entitled to be acquitted. Thus in absence of evidence against the accused persons there is no other option than to acquit them. No other witness or documentary evidence has been adduced by the prosecution.

In view of the facts and circumstances of the case and the evidences adduced by the witness, it appears to this Court that the interest of justice requires that the accused persons be acquitted from this case. Therefore, it is clear that there are several loopholes in prosecution evidences and the veracity of allegation is not established beyond reasonable doubt.

No other witnesses was examined from the side of the prosecution. It appears that the prosecution failed to bring forth any incriminating substance against the accused persons through the evidence of its witnesses.

Finding no corroboration to the allegation of the F.I.R. by the evidences adduced by the witness, it appears to this Court that the interest of justice requires that the accused persons be acquitted from this case. Thus, the prosecution case fails.

Hence, it is



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ORDERED

that the accused persons (**A1, A2, A3, A4 and A5**) on Court bail namely **1. Manik Mandal @ Sudip Kr Mandal 2. Subhankar Saha 3. Dipankar Saha 4. Bapan Paul @ Avijit 5. Chanchu Mandal @ Nitai** are acquitted under Section 255 (1) of the Cr. P. C. from the charge of offence punishable under **Section 341/447/323/506/34** of **Indian Penal code**.

They are on Court bail and bail bonds shall remain in force for the next six months as per the mandate laid down in Section 437A of the Cr.P.C.

The seized article, if any, be disposed as per law.

Let the Judgment noted in 07 pages duly sealed and signed be kept with the record.

In compliance of the judgment of the Hon'ble Court being C.R.A. 266 of 2020 with C.R.A.N. 01 of 2020 in the case of Sabitri Bhunya V/s. State of West Bengal. Let a copy of this judgment be forwarded to the District Magistrate, Dakshin Dinajpur and to the Ld. Chairman, SDLSC, Gangarampur at Buniadpur for due intimation to the victim as defined u/s 2(wa) of the Code of Criminal Procedure.

Be it mentioned that the victim has a right to prefer an appeal against this judgment under proviso to Sec. 372 of the Code of Criminal Procedure and if necessary, to avail free legal assistance through the Legal Services Authority concerned to prefer and prosecute such appeal.

Thus, this case is disposed of on contest.

BC II to do the needful.

Note in the Trial Register.

Dictated & corrected

Signature
JM, Gangarampur at Buniadpur

Signature
JM, Gangarampur at Buniadpur