

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, HALDIA, PURBA MEDINIPUR	
Present : Sri. Kaustabh Bandyapadhyay, Judicial Magistrate	
Date of Pronouncement of Judgment -06/06/2026.	
G.R – 209/2000 (C.I.S. No. -209/2000 T.R. - 560 of 2013) (CNR – WBEM08-000028-2000) (J.O. Code - WB -01463)	
(Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL OR NAME OF THE COMPLAINANT
REPRESENTED BY	ASSISTANT PUBLIC PROSECUTOR
ACCUSED	1. Sk Eusuf Ali, 2. Ohidan Bibi, 3. Sk Bablu, 4. Sk Muslem Ali,
REPRESENTED BY	Arabinda Maity, the Ld. Advocate for the accused.

FORM B

Date of Offence	04.06.2000
Date of FIR	06.06.2000
Date of Charge-sheet	24.06.2000
Date of Framing of Charges	17.04.2015
Date of Commencement of Evidence	17.04.2018
Date on which Judgment is reserved	N.A.
Date of the Judgment	06.06.2026
Date of the sentencing Order, if any	N.A.

Accused details:

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.
Sk Eusuf Ali and 3 others.	They surrendered on 19.06.2000	19.06.2000	u/s. 323/324 of I.P.C.	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	Tarun Ballav	Eye witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1	N.A.	N.A.
DW 2	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)
CW 1	N.A.	N.A.
CW 2	N.A.	N.A.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit- 1 as a whole	Written Complaint

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW 1	N.A.
2	Exhibit D-2/DW 2	N.A.

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	Nil
2	Nil	Nil

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	Nil	Nil
2	Nil	Nil

J U D G M E N T

1. D/c lodged the written complaint complaining of brutal assault. On the written complainant started Mahishadal PS case no. 52/2000 dtd. 06.06.2000 u/s 341/323/324 IPC.
2. The case was subsequently endorsed to investigate and on completion of the investigation, the charge-sheet vide No. 19/2000 dated 24.06.2000 under Section u/s. 341/323/324 IPC against the above named four number of accused persons.
3. During trial, charge was framed against the four accused persons and the substance of accusation under Section 323/324 of I.P.C. was read over and explained to the accused persons to which they pleaded '*not guilty*' and claimed to be tried.
4. Prosecution adduced the oral evidence of the defacto complainant Tarun Ballav as PW1. The Written Complainant along with signature of the D/C is marked as **Exhibit – 1 as a whole**.
5. After completion of the oral evidence of the Prosecution, the accused persons were examined under section 313 of the Cr.P.C. During recording the versions of the four accused persons being examined under Section 313 CrPC, the rule laid down by the Hon'ble Supreme Court in **Raj Kumar Singh @ Raju @ Batya vs. State of Rajasthan; AIR 2013 SC 3150** was followed, viz., '*The purpose of empowering the Court to examine the accused under Section 313, Cr.P.C is to meet the requirement of the principle of natural justice **audi alteram partem** (that no one should be condemned unheard). This means that the accused may be asked to furnish some explanation as regards the incriminating circumstances associated against him and the Court must take note of such explanation. In a case of circumstantial evidence, the same is necessary to decide whether or not the chain of circumstances is complete*'. The accused persons took the plea of innocence and declined to adduce defence witness. Thereafter, the evidence was closed and detailed argument was heard.
6. **POINTS FOR CONSIDERATION** Whether the accused persons committed offence u/Sec. 323/324 of I.P.C. or not?
7. **DECISION WITH REASONS** To prove this case, the prosecution adduced oral evidence of the defacto complainant and another. The written complaint was lodged and the same is only marked as exhibit. No other documents is marked as exhibit. Prosecution did not adduce any medical document to prove the case.

8. The PW1 is Tarun Ballav who identified the accused persons and stated that the incident had taken place out of a misunderstanding and he has nothing to say about the fact of the incident. He further stated that he has no grudge or claim against the accused persons. He was not interrogated by police.
9. Thereafter, Ld. Advocate for the accused persons verbally prayed for closing the evidence on the ground that no incriminating materials initiated on record against the accused persons even after examining the two most vital prosecution witnesses.
10. Ld.APP also gave nod to close witness as nothing substantial came on record after examining the vital witnesses of this case. In **Satish Mehra vs. Delhi Administration & Anrs reported in (1996) 9 SCC 766** the Hon'ble Supreme Court opined that, *in case where there is no prospect of the case ending in conviction, the valuable time of the Court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on future date*'.
11. The aforementioned view was also contemplated and held by the Hon'ble Calcutta High Court in **Niranjan Ghosh vs. Ananda Mondal, 1995 CrLJ, 4086 Cal**, *that where Prosecution failed to examine its witnesses in spite of sufficient opportunities, while the case remained pending for seven years, permission for examining further unimportant witnesses may be refused*.
12. **Hon'ble Supreme Court of India** several times contemplated in different judgments like Maneka Gandhi vs. Union of India and Hussainara Khatun vs. State of Bihar that **speedy trial is fundamental right of the accused person**.
13. Considering the gamut of facts and circumstances and to avoid wastage of Judicial hour by merely calling the I.O and R.O, the prayer for closing the evidence was allowed.
14. Ld. Advocate for the accused persons prayed for speedy disposal of the case. Now, regarding necessity of speedy disposal of criminal cases I would like to quote the observations of Hon'ble Supreme Court of India in **Bipin Shantilal Panchal vs State Of Gujarat And Anr : AIR 2001 SUPREME COURT 1158** viz., *'This is yet another opportunity to inform the trial courts that despite the procedural trammels and vocational constraints we have reached a stage when no effort shall be spared to speed up trials in the criminal courts. It causes anguish to us that in spite of the exhortations made by this Court and a few High*

-Courts, time and again, some of the trial courts exhibit stark insensitivity to the need for swift action, even in cases where the accused are languishing in prisons for long years as under-trials only on account of the slackness, if not inertia, in accelerating the process during trial stage.'

15. The prosecution case becomes strong with the proper oral evidence supported by the documentary evidence. But here, the corroboration of the incident and the version of the defacto complainant has not at all come before the Court. On careful consideration of the materials on record as well as the evidence adduced by the witnesses, this Court finds that the prosecution has failed to establish the charges against the accused persons. When the principal allegations are not proved the question of common intention does not find leg to stand. The accused persons cannot be held guilty.

Hence, it is,

ORDERED

that all four (04) accused persons namely Sk Eusuf Ali, Ohidan Bibi, Sk Bablu and Sk Muslem Ali are found '*not guilty*' of the offence punishable under Section 323/324 of I.P.C. and they are acquitted from the said allegation under section 248 (1) of the Cr.P.C.

The sureties are discharged from their respective bail bonds.

Let a copy of the findings be intimated to the District Magistrate, Purba Medinipur and the Secretary, DLSA, Purba Medinipur since the accused persons are acquitted from the charges and the right to appeal against acquittal remains with the victim.

Seized articles, if any, be returned to proper claimant after expiry of appeal period.

Note in the Trial Register and upload in CIS.

(Dictated & Corrected by me);

Sd/-K.Bandyapadhyay
Judicial Magistrate,
Haldia, Purba Medinipur.

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Judicial Magistrate,
Haldia, Purba Medinipur.
06/06/2026

Present: Kaustabh Bandyapadhyay, Ld. J.M., Halida (J.O No.WB01463)

G.R No.209 of 2000

CIS No.209 of 2000

CNR No.WBEM08-000028-2000

Order dated 06.06.2026

Today is fixed for examination of the accused persons u/S.313 of Cr.P.C.

All four accused are present. Ld.APP is also present. Now the record is taken for examination of the accused persons u/S.313 of Cr.P.C. sole accused is examined u/Sec.313 of Cr.P.C. As per request of the Ld. Advocate for the accused, the case is taken up for argument hearing.

Heard argument of both sides in details. Judgment will be passed this day at 02:50 P.M.

Dic. & Corr. by me

Sd/-
J.M, Haldia.

Sd/-

Judicial Magistrate,
Haldia, Purba Medinipur.

Later.....at 02:50 P.M.

It is now, 02:50 P.M. All four accused persons are present in Court.

Ld. Advocate for the accused persons and Ld. A.P.P are also present.

The judgment is ready and delivered in open Court in presence of both sides and the accused persons.

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