

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, HALDIA, PURBA MEDINIPUR	
Present : Sri. Kaustabh Bandyapadhyay, Judicial Magistrate	
Date of Pronouncement of Judgment -12/06/2026.	
<u>G.R – 671/2022</u> <u>(C.I.S. No. -1155/2022 T.R. -380 of 2022)</u> <u>(CNR – WBEM08-002240-2022)</u> <u>(J.O. Code - WB -01463)</u>	
(Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL OR NAME OF THE COMPLAINANT
REPRESENTED BY	ASSISTANT PUBLIC PROSECUTOR
ACCUSED	1. Manas Kr. Pahari, 2. Ramesh Ponda, 3. Jagajyati Ponda, 4. Kalyani Ponda,
REPRESENTED BY	Pranab Mondal, the Ld. Advocate for the accused.

FORM B

Date of Offence	28.04.2022
Date of FIR	28.04.2022
Date of Charge-sheet	31.05.2022
Date of Framing of Charges	22.05.2024
Date of Commencement of Evidence	06.06.2026
Date on which Judgment is reserved	N.A.
Date of the Judgment	12.06.2026
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.
Manas Kr. Pahari and 3 others.	They surrendered on 30.05.2022	30.05.2022	u/s. 341/323/354/34 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	Parijat Ponda	Defacto complainant

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. On 28.04.2022 at about 22.15 hrs received a written complaint of one Parijat Panda W/o Bhaskar Panda of Goradoro PS- Sutahata Dist- Prba Medinipr to the effect that on 28.04.2022 at about 16.00 hrs while the accused person Ramesh Panda assaulted his wife on being protested the complainant at that time accused Ramesh Panda and three others use filthy languages and also assaulted the complainant. On the written complainant started Stahata PS case no. 103/22 dtd. 28.04.2022 u/s 341/323/354/34 IPC.
2. The case was subsequently endorsed to investigate and on completion of the investigation, the charge-sheet vide No. 149/2022 dated 31.05.2022 under Section u/s. 341/323/354/34 IPC. against the above named four (04) number of accused persons.
3. During trial, charge was framed against the four accused persons and the substance of accusation under Section 341/323/354/34 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 Parijat Panda 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. 341/323/354/34 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 defacto complainant Parijat Panda deposed as PW1. She identified the accused persons and stated that the incident had taken place out of a misunderstanding. She also stated that she cannot remember the facts of the incident and she has no grudge or claim against the accused persons. She 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.
16. 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.
17. 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) the accused persons namely Manas Kr. Pahari, Ramesh Ponda, Jagajyati Ponda and Kalyani Ponda are found '*not guilty*' of the offence punishable under Section 341/323/354/34 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.
12/06/2026

Present: Kaustabh Bandyapadhyay, Ld. J.M., Halida (J.O

No.WB01463)

G.R No.671 of 2022

CIS No.1155 of 2022

CNR No.WBEM08-002240-2022

Order dated 12.06.2026

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. All accused are 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 03:15 P.M.

Dic. & Corr. by me

Sd/-
J.M, Haldia.

Sd/-

Judicial Magistrate,
Haldia, Purba Medinipur.

Later.....at 03:15 P.M.

It is now, 03:15 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.

Hence, it is,

ORDERED

that all four (04) the accused persons namely Manas Kr. Pahari, Ramesh Ponda, Jagajyati Ponda and Kalyani Ponda are found 'not guilty' of the offence punishable under Section 341/323/354/34 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.

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

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12/06/2026