

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE , FAST TRACK COURT
CHANDANNAGAR, DIST: HOOGHLY.**

PRESENT: SRI JAGOJYOTI BHATTACHERJEE,

Additional Sessions Judge,
Fast Track Court, Chandannagar
District : Hooghly.
(J.O. Code – WB00971)

Case No. **S.T 13/2015**
SC 85/2014

[Arising out of Chandernagore P.S Case No.186/2013 dt. 21.07.13]

DATE OF JUDGMENT: 07TH DAY OF MARCH, 2026

Complainant	State of West Bengal [Defacto Complainant:- Smt. Urmila Paswan wife of Sankar Paswan of Nichupatty, Chandernagore, Hooghly
Represented by	Ld. P.P. in charge – Nasim Halder
Accused	1) Pintu Mondal S/o Lt. Arun Mondal of Kanai Sarkar Ghat, P.S Chandernagore, Hooghly 2) Rajesh Jana S/o Lt. Robin Jana of Nichupatti, Bindubasinipara, P.S Chandernagore, Hooghly.
Represented by	Ld. Advocate Sri Indradeb Saha

Date of Offence	14.07.2013
Date of FIR	21.07.2013
Date of Chargesheet	23.10.2013
Date of framing of Charges	12.08.2015
Date of commencement of Evidence	16.07.2018
Date on which Judgement is reserved	NOT APPLICABLE
Date of the Judgment	07.03.2026
Date of the Sentencing Order, if any	NOT APPLICABLE

Accused Details:

Rank of the Accused	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
	Pintu Mondal Rajesh Jana	28.07.13 do	05.11.13	U/s 302/ 201/34 I.P.C	Acquitted	Nil	Not applicable

LIST OF PROSECUTION /DEFENSE / COURT WITNESSES

A. Prosecution:

RANK	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W1	Urmila Paswan	Complainant
P.W2	Naresh Kr. Agarwal	Other witness
P.W3	Sankar Paswan	Husband of the complainant
P.W4	Radha Paswan	Daughter of complainant
P.W5	Dilip Paswan	Other witness
P.W6	S.I Alok Kr. Chatterjee	I.O of this case
P.W7	Sankar Dey	Other witness
P.W8	Ranjan Banerjee	Photographer
P.W9	Saptarsi Chatterjee	Doctor

B. Defense Witnesses, if any: NIL

C. Court Witnesses, if any: NIL

LIST OF PROSECUTION /DEFENSE / COURT EXHIBITS

A. Prosecution:

Exhibit Number	Description
X for identification	Written complaint
Exhibit -P-1	Signature of P.W3 in the police inquest report
Exhibit -P-1/1	Police inquest report
Exhibit -P-2	Dead body challan
Exhibit -P-3	Seizure list dt.20.07.13
X for identification	Photographer (4)
Exhibit -P-4	Signature of P.W8 in the seizure list dt.24.07.13
Exhibit -P-5	04 photographs
Exhibit -P-6	P.M report

B. Defense: NIL

C. Court Exhibits: NIL

D. Material exhibit on behalf of the prosecution:-

J U D G E M E N T

1. This is a case under Section 302/20/34 of the Indian Penal Code (in short IPC).
2. The case is originated on the basis of an FIR lodged by Urmila Paswan wife of Sankar Paswan, Nichupatty, Chandernagore,

Hooghly. In a nutshell it is the case of the prosecution that on 14.07.13 at about 09.00 p.m Dharmendra Paswan son of Sankar Paswan. After taking his dinner had gone to Shibbatighat to sleep. Thereafter he did not return to his house. He had gone missing and his family members were looking for him. Lastly on 19.07.13 at about 11.00 a.m police persons of Chandernagore had detected a dead body at Gondalpara, Telighat and rescued it, brought it to Chandernagore P.S. Police persons had called Urmila Paswan and Urmila Paswan had identified the body of her son as there was a tatoo in his right arm. The body was forwarded for postmortem and Urmila Paswan had suspected Rajesh Jana @ Gunda, Nepla Mahato and Pintu Mondal behind the death of her son.

INVESTIGATION:-

3. S.I Barnali Ganguli had received the written FIR and registered Chandernagore P.S Case No.186/2013 dt. 21.07.13 under Sec. 302/201/34 of the I.P.C. The case was entrusted to S.I Madhumangal Das for investigation. During investigation Mr. Das had perused the FIR, visited the spot, prepared rough sketch map along with index, examined available witnesses, collected inquest report, injury report, collected photo. He had seized wearing apparels of the deceased and collected postmortem report of the deceased. Thereafter, consulting with the case diary and as per advice of his superior he had submitted charge sheet against the accused Rajesh Jana @

Gunda, Nepla Mahato and Pintu Mondal, for allegedly committing an offence under Section 302/201/34 of the IPC .

COMMITMENT AND FRAMING OF CHARGE:-

4. Ld. A.C.J.M., Chandernagore after receiving the charge-sheet, he had committed the case record to the court of the Ld. Additional District and Sessions' Judge, Chandernagore, Hooghly. This Court had received the case record by way of transfer and charge was framed against the accused persons for committing an offence under Sec. 302/201/34 of IPC dt.12.08.15. Accused had denied the charge and claimed to be tried as per law. During trial of the present case **Raju Jana** son of Robin Jana had died and the case was declared filed forever against him vide an order dt.16.07.25 and the case was proceeded against rest two accused.

5. Prosecution to prove its case had produced as many as nine witnesses including the mother of the deceased. On the basis of their recorded testimony accused were examined under Sec.313 of the Cr.P.C, AND they had totally denied the allegation attributed upon them and declined to adduce any evidence.

6. The case record was taken up for hearing argument.

ARGUMENT:-

7. Learned Counsel for the State has produced the case diary and left the fate of the case in the discretion of this court.

8. Ld. Counsel for the accused has submitted that neither of the witness has supported the case of the prosecution and the prosecution has not challenged their version. Considering the same accused may be acquitted from this case.

DECISION THEREON:-

The accused persons are acquitted under Sec.235(1) Cr.P.C.

POINTS FOR CONSIDERATION :-

9. After due consideration of rival submissions and the materials on record, following points are formulated for adjudication;

i) Whether the prosecution has succeeded to prove the charge under Section 302/201/34 of the IPC beyond reasonable doubt ?

ii) What order?

DECISIONS WITH REASONS: -

10. On scrutiny of the prosecution case, it appears that neither of the witnesses had seen the accused to commit the crime. P.W1 mother of the deceased had lodged the FIR on the basis of mere suspect as there was a dispute in between the deceased and the accused. She has specifically stated in her FIR that prior to the death, accused had threatened her son to end his life, but in her evidence, she has not whispered a single word about it. In her evidence she has simply stated that her son had gone missing on the fateful night. Subsequently, body

of her son was recovered from the river bed of Ganga at Telighat, Chandernagore. She had identified the body of her son at Chandernagore P.S and lodged the instant FIR.

11. P.W2, 3, 4, 5 have failed to highlight and to give any clue about the death of Dharmendra Paswan. Among them P.W3, happens to be the father of the deceased, but he has not assigned any reason behind the death of his son nor made the accused responsible for the sad demise of his son. He has simply stated that he did not know how his son had died.

12. P.W4 brother of the deceased has reiterated the same fact.

13. P.W6 had conducted inquest and the inquest report has been marked as Ext.P-1/1, which was held at Telighat, Gondalpara, Chandernagore. From exhibit p-1/1 it reveals that after a primary inquiry, pw-6 had assigned the reason behind the death was due to drowning, which does not support the case of the prosecution.

14. P.W7 has not corroborated the case of the prosecution and the prosecution has not challenged his version.

15. P.W8 is a mere photographer of the dead body.

16. P.W9 is the doctor conducted postmortem of the deceased. From his testimony it appears that during autopsy he had noticed injury in larynx, trachea and in the esophagus and as per his opinion the death was due to the effect of those injuries and it was antemortem and homicidal in nature.

17. The testimony of pw-6 and pw-9 are totally different. Former says the reason behind the death as drowning whereas the later has described as homicidal.

18. I.O got enough opportunity to collect evidence and to arrive at a conclusion that the accused had caused the murder of the son of pw-1. To prove it, prosecution had produced one after another witnesses and the trial was continued for more than seven years. Prosecution got ample opportunity to produce evidence to substantiate the fact. At last prosecution had rest his case by producing all the witnesses. From the testimony of the prosecution witness it transpires that neither of the witness has disclosed the name of the accused or make them responsible for the death of Dharmendra Paswan. Neither the family member of the deceased has put forth any such incident by which the accused be made responsible for the said demise of Dharmendra Paswan nor the independent witnesses have narrated any such incident disclosing the motive behind the crime.

19. On bare perusal of the FIR and on comparative study of prosecution evidence it ventilates that the entire case was projected against the accused on the basis of mere speculation. There is no such clinching evidence to say that on that fateful night the accused had inflicted stab injury to Dharmendra Paswan and to disappear evidence threw his body in the river. In absence of any cogent evidence, it is tough to presume the case of the prosecution whereas the Hon'ble Apex Court in **Vishwajeet Kerba Masalkar v. State of Maharashtra**, S.C (Cr. Appeal No.23 of 2020 dated 17.10.2024), was pleased to held;

“22. It is settled law that the suspicion, however strong it may be, cannot take the place of proof beyond reasonable doubt. An accused cannot be convicted solely on the ground of suspicion, no matter how strong it is.”

20. Appreciating and analyzing the entire case of prosecution and relying the aforesaid principle this court is of the opinion that prosecution has miserably failed to prove its case and the charge framed against the accused is baseless and the accused deserve to be acquitted from this case.

Hence it is;

ORDERED

that accused persons namely **Pintu Mondal S/o Lt. Arun Mondal Rajesh Jana S/o Lt. Robin Jana** are found not guilty for committing offence under Sec. 302/201/34 of the IPC and they are acquitted under Section 235(1) of the Code of Criminal Procedure.

Accused persons are discharged from their bail bonds.

Sureties be released from their bail bonds.

The case be dropped from its original file.

BC-I is directed to consign the case record to the District Record room after completion of appellate period.

Dictated & corrected by me

Additional Sessions Judge,
Fast Track Court, Chandannagar
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