

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, 3 rd COURT AT HOWRAH	
Present : Sarmistha Bose (JO Code WB01187) Judicial Magistrate, 3rd Court at Howrah [DATE OF DELIVERY OF JUDGMENT: 06.06.2026] <u>G.R.No: 1573 of 2000</u> <u>(CIS No. 3711 of 2014)(CNR No.WBHW04-000225-2000)</u> Ref : Domjur PS Case no. 153 of 2000 dated 22.09.2000 under section 326/506/34 OF I.P.C	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP SANCHITA CHAKRABORTY
ACCUSED	1) MANIK BHATTARCHRYA LATE RATAN BHATTARCHYA OF MOHIARY GHOSH BAGAN, P.S DOMJUR, DISTRICT HOWRAH 2) SUNIL MONDAL LATE HARU MONDAL, AUROBINDO NAGAR, P.S JAGACHA, DISTRICT HOWRAH 3) BAPPA PARUI (FILED FOR EVER 11.11.2025)
REPRESENTED BY	LD. ADVOCATE RAJ CHANDA

Form B

DATE OF OFFENCE	22.09.2000
DATE OF FIR	21.02.2010
DATE OF CHARGE SHEET	24.10.2000
DATE OF FRAMING OF CHARGE	31.12.2007
DATE OF COMMENCEMENT OF EVIDENCE	14.01.2008
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 :

RANK OF THE ACCUSED	NAME OF ACCUSED	DATE OF ARREST	DATE OF RELEASE ON BAIL	OFFENCES CHARGED WITH	PERIOD OF DETENTION UNDERGONE DURING TRIAL FOR PURPOSE OF SECTION 428, CR.P.C
01	MANIK BHATTARCHRYA	SURRENDERED/ARRESTED	18.03.2001	SECTION 326/506/34 OF I.P.C.	N.A
02	SUNIL MONDAL	SURRENDERED/ARRESTED	18.03.2001	SECTION 326/506/34 OF I.P.C.	N.A
03	BAPPA PARUI	(FILED FOR EVER 11.11.2025)			

G.R.No: 1573 of 2000
(CIS No. 3711 of 2014)(CNR No.WBHW04-000225-2000)

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, OTHER WITNESS)
PW1	SANATAN GHOSH	DEFACTO COMPLAINANT
PW2	NIRMAL MAZUMDAR	WITNESS
PW3	NIRMAL MAL	WITNESS
PW4	ALOK CHATTERJEE	WITNESS

B. DEFENCE WITNESS, IF ANY : NO DEFENCE WITNESS

C. COURT WITNESS, IF ANY : NO COURT WITNESS

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION: NONE

B. DEFENCE EXHIBITS: NONE

C. COURT EXHIBITS: NONE

JUDGMENT

1. The prosecution story in brief is that the defacto complainant filed a written complaint before the Officer in-Charge of Domjur Police Station to the effect that on 22.09.2000 at about 01.05 pm, in the two motor cycle, four (4) miscreants stop their motor cycle in front of iron and came godown of Sri Kumar Kundu Chowdhury and two miscreants of the said motor cycle thrown bomb in front of the said godown and flee away towards Kundu and they came from Mouri bazar. Hence, this case.

2. Over this complaint, the investigation machinery was set into motion and after completion of the investigation, the police has submitted the charge sheet against two (2) accused persons. Accordingly cognizance was taken by Ld. Chief Judicial Magistrate, Howrah and this case record was transferred to this Court for trial and disposal. At the commencement of trial, after hearing the Learned Additional Public Prosecutor for the State as well as Learned Defence Counsel, the formal charge was framed against the accused persons for the offences punishable under Sections **326/506/34** of IPC and the contents of the charge was read over and explained to the accused persons in Bengali to which they pleaded not guilty by saying “amra nirdosh” and claimed to be tried. Hence, the record was placed for trial.

3. The prosecution has examined four witnesses as the defacto complainant of this case to prove the case. On closure of the prosecution evidence, statements of the accused persons were recorded in terms of Section 313 of the Code of Criminal Procedure, where all the accused

G.R.No: 1573 of 2000
(CIS No. 3711 of 2014)(CNR No.WBHW04-000225-2000)

persons denied all the allegations against them and refused to adduce defence evidence. The defense case is simply the denial of the prosecution's allegation and plea of innocence. Accused person namely Bappa Parui filed fore ever on 11.11.2025.

4. Heard arguments of both side at length.

POINTS FOR DETERMINATION

5. Upon considering the materials on record the following points are noted for discussion to arrive at a definite conclusion:-

1) Whether the accused persons are guilty of the offences charged punishable under Sections **326/506/34** of IPC ?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the charge framed under Section **326/506/34** of IPC beyond reasonable doubt against the accused persons?

DECISION WITH REASONS

6. Both the points are taken together for discussion for the sake of convenience, brevity and unnecessary repetition and to reach a definite conclusion.

7. It is the settled principle of law that the prosecution is under obligation to prove the case beyond all reasonable doubt. It appears that four witnesses have been examined in this case.

8. Here, the prosecution has examined Sk. Mahbub Alam CSW-1 as PW-1 who deposed before this Court that he does not know accused person and he knows nothing about the facts of this case.

9. In order to fortify its case, the prosecution has examined other witnesses namely Nirmal Mazumdar as PW-2 deposed before this Court that he does not know the contents of the written complaint lodged by the Santosh Ghosh. Nirmal Pal as P.W-3 deposed before this Court that he knows nothing about the facts of this case. Alok Chatterjee as P.W-4 deposed before this Court that he knows nothing about the facts of this case.

10. On a close scrutiny of the evidences of PWs, it appears that the FIR story has got no corroboration from their evidences. Here, the prosecution had not taken the pain to declare the PWs hostile, rather accepted their testimony which in turn raises doubt in the mind of the Court in regard to genuineness of the prosecution's case.

11. From the statement of PWs of this case, it is clear before the Court that you did not support the prosecution's story. Such being the evidences on record, it appears that the prosecution is hopelessly in failure to prove their case.

G.R.No: 1573 of 2000
(CIS No. 3711 of 2014)(CNR No.WBHW04-000225-2000)

12. A conviction cannot be based on mere surmise and conjecture and the prosecution is under obligation to prove the case beyond all reasonable doubts. Having reference to the above discussion, this Court has no other alternative but to hold that there is no iota of ingredients to constitute the offences under Sections **326/506/34** of IPC with which the accused persons is booked. Thus, it is quite evident that the prosecution has miserably failed to prove the guilt of the accused person beyond all reasonable doubts and hence, the the accused persons deserve to be acquitted from this case.

13. Hence, it is.

ORDERED

That both the accused persons namely **MANIK BHATTARCHRYA and SUNIL MONDAL** are found not guilty of offences punishable u/s **326/506/34** of IPC and accordingly, hereby acquitted **U/S.248 (1)** of Cr.P.C. and set to liberty forthwith.

The bail bond on behalf of the accused shall remain in force for next six months in view of section 437A of Criminal Procedure Code. Sureties is accordingly discharged.

The seized alamat if any, shall be disposed in accordance with law after expiry of the stipulated period.

Let a copy of this Judgment of acquittal be forwarded to the District Magistrate and DLSA concerned for due intimation to the victims as defined under Section 2(a) of the Code of Criminal Procedure and the victims have every right to prefer appeal under Section 372 Proviso of the Code of Criminal Procedure and if necessary the victims have right to avail free legal Aid.

The case is disposed off on contest by pronouncement of this judgment in the open Court on the 06th day of June 2026.

Dealing assistant is directed to make necessary entries in the germane registers and Case Information System.

Dictated & Corrected by me.

(Sarmistha Bose)
Judicial Magistrate, 1st Class,
3rd Court, Howrah

(Sarmistha Bose)
Judicial Magistrate, 1st Class
3rd Court, Howrah
(JO Code WB01187)