

IN THE COURT OF THE JUDICIAL MAGISTRATE,
1st COURT, HOWRAH



Present: DISHA BARAI
(J.O. Code No.WB01420)
Judicial Magistrate,
1st Court, Howrah

JUDGMENT DATED 10th JULY, 2026

G.R. Case No. 3841 of 2013

CIS 146 of 2016

CNR No. WBHW04-000629-2016

T.R. Case No. 36 of 2016

Bally P.S. Case No. 321/2013 dt. 28.05.2013

U/S. 147/323 of I.P.C.

Defacto- Complainant	Mintu Bose
Respresented by	Ld. APP
Accused	(1) Mahadev Roy @ Prem (2) Pradip Ganguly (3) Konika Ganguly (4) Ahallya Ganguly
Represented by	Ld. Advocate Shyamal Kumar Ghosh

Date of Offence	27.05.2013
Date of FIR	28.05.2013
Date of Charge sheet	31.07.2013
Date of Framing of Charges	14.01.2026
Date of commencement of Evidence	22.04.2026
Date of the Judgment	10.07.2026
Date of the Sentencing Order, if any	Not applicable

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Accused details:

Rank of the accused	Name of accused	Date of arrest	Date of release	Offenes charged with	Whether acquitted or convicted	Sentence imposed	Period of detension undergone during trial for purpose of ection 427 Cr.P.C.
01. 02. 03. 04.	Mahadev Roy @ Prem Pradip Ganguly Konika Ganguly Ahallya Ganguly	Surrendered on 29.05.2013	29.05.2013	u/s. 147/323 IPC	acquitted	N.A	NIL

**LIST OF PROSECUTION/ DEFENCE/
COURT WITNESSES**

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Mintu Bose	Defacto complainant
PW2	Ranjan Das	Witness
PW3	Pulak Hudut	Witness

B. Defence witness

RANK	NAME	NATURE OF EVIDENCE (EYE Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
DW1	N.A.	N.A

C. Court witness, if any.

RANK	NAME	NATURE OF EVIDENCE (EYE Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
CW1	N.A.	N.A

**LIST OF PROSECUTION/
DEFENCE/ COURT EXHIBITS**

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW 1	Signature of the defacto complainant on the written complaint

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B: Defence :

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

PREFACE

A brisk venture into the factual aspects of this case is undergone in order to appreciate the case in its proper perspective.

The prosecution case, in brief, is that on 28.05.2013 the O.C. of Bally PS received a written complaint from one Mintu Bose that on 27.05.2013 around 11.30pm when the de facto complainant was returning to his house, the accused persons attacked him with a knife and he received bleeding injury on his person.

On the basis of the said written complaint, the concerned O.C. started Bally P.S. Case No. 321/2013 dt. 28.05.2013 U/S. 147/148/149/427/324 of I.P.C. against the accused persons and the I.O. of the case took up the investigation and after completion of the investigation he submitted the charge sheet U/S. 147/148/149/427/324 of I.P.C. dated 31.07.2013 vide charge sheet no. 390/2013 against the accused persons. The Ld. C.J.M., Howrah took cognizance of the offence and transferred the case to this court for disposal.

On 14.01.2026 charge was framed U/s. 147/323 of I.P.C against the accused persons to which they pleaded not guilty and claimed to be tried.

On the other hand, the defence case is that of total denial of prosecution case. It is also the case of the defence that the accused persons has been falsely implicated by the complainant in this case.

POINTS FOR DETERMINATION

1) Whether the prosecution has been able to prove the case against the accused persons beyond all reasonable doubt?

2) Whether the accused persons can be convicted under sections 147/323 of the I.P.C ?

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EVIDENCE

In order to prove its case, the Prosecution has examined three witnesses namely, Mintu Bose the defacto complainant as P.W. 1, Ranjan Das as P.W. 2 and Pulak Hudut as P.W. 3.

PW 1 is the defacto complainant. During his evidence he has stated that he has filed this case out of a misunderstanding and everything between them have been settled. The signature on the written complaint be marked as Exbt. P-1/PW1.

During his cross examination he has stated that he has no allegation against the accused persons and he has no objection if the accused persons are acquitted.

PW-2 is stated that he does not know anything about this case as it happened a long time.

PW-3 is stated that he does not know anything about this case as it happened a long time.

Thereafter evidence from the side of prosecution has been closed on submission of prosecution and accused persons were examined u/s 313 of Cr.P.C. Though the accused persons have declined to adduce any evidence.

DECISION WITH REASONS

It is well-settled principle of law that initially burden of proof lies upon the Prosecution in order to prove its case and, if there is any doubt the accused persons will get the benefit of that doubt.

In order to prove its case, the Prosecution has examined only three witnesses namely, Mintu Bose the defacto complainant as P.W. 1, Ranjan Das as P.W. 2 and Pulak Hudut as P.W. 3.

The main allegations against the accused persons is that in furtherance of common intention that on 27.05.2013 around 10.30pm at P.N Ghosh Road, being a member of an unlawful assembly, they wrongfully restrained the de facto complainant and voluntarily caused hurt to him.

However, on going through the evidence produced by the Prosecution this court does not find any evidence to show that these accused persons that in furtherance of common intention that on on 27.05.2013 around 10.30pm at P.N Ghosh Road, being a member of an unlawful assembly, they wrongfully restrained the de facto complainant and voluntarily caused hurt to him.

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The witnesses of this case could not give any concrete statement regarding the incident and the manner in which the accused persons committed the alleged offence and also the role played by the accused persons or their involvement in the commission of the crime. Even the defacto complainant has deposed before this court that he has filed this case based on misunderstanding. So, the Prosecution has produced neither any material nor the prosecution examined any other witnesses of this case. Nothing has been seized from the custody of the accused persons. No injury report has been submitted, nor any doctor has been examined in this case.

Moreover, the defacto complainant deposed before this court that everything between themselves has been amicably settled and they she has no further allegation against the accused persons.

The evidence of all the witnesses hardly shows existence of any material to sustain the charge under section 147/323 of IPC. The prosecution did not adduce any further evidence. Therefore, Considering the entire, oral and documentary evidence and in view of my above discussions, this court is of the opinion that the Prosecution has failed to prove the charge against the accused person beyond any shadow of doubt, and, as such, the accused persons are entitled to get benefit of doubt in the instant case.

Hence, it is

O R D E R E D

that the accused persons namely, (1) Mahadev Roy @ Prem, (2) Pradip Ganguly, (3) Konika Ganguly and (4) Ahallya Ganguly are found not guilty of the offence U/s. 147/323 of I.P.C. and they are acquitted U/s. 255(1) of Cr.P.C. They are also discharged from their respective bail bonds.

The seized alamats, if any, be destroyed subject to the time of Appeal.

Send the copy of this Judgment to the defacto complainant/victim through the District Magistrate, Howrah.

Dictated and correct by me

Sd/-

Judicial Magistrate,
1st Court, Howrah

Sd/-

(DISHA BARAI)
(JO Code WB01420)
Judicial Magistrate,
1st Court, Howrah

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Order dated 10.07.2026

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

Accordingly the accused persons are examined U/s. 313 Cr.P.C.

The answers given by the accused persons U/s. 313 Cr.P.C. have been recorded in separate prescribed format which is kept with the record.

During examination U/s.313 Cr.P.C the accused persons stated that they would not adduce any D.Ws in support of his case.

Hence, the DW is closed today.

At this stage, the Ld. Advocates of both side submitted that they are ready for argument.

Heard the Ld. Advocates of both sides in full.

Now the record is taken up for passing of final order and Judgment. The accused persons are directed to be present before this court later today at 2.30 p.m. for delivery of judgment.

Dictated and correct by me

Sd/-
Judicial Magistrate,
1st Court, Howrah

Disha Barai
(JO Code WB01420)
Judicial Magistrate,
1st Court, Howrah

Later 2.30 PM

The accused persons are present before this court.

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

The case record is taken up for delivery of judgment.

The judgment is ready and pronounced in open court.

The judgment is written in separate sheets which is kept with the case record. The operative portion of the judgment is given herein below.

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