

IN THE COURT OF THE JUDICIAL MAGISTRATE,
4th COURT, HOWRAH

Present: KEYA SARKAR
(J.O. Code No.WB01123)
Judicial Magistrate,
4th Court, Howrah

JUDGMENT DATED 27th JULY, 2026

G.R. Case No. 3603 of 2010
CIS 4019 of 2014
CNR No.WBHW04-001057-2010
T.R. Case No. 09 of 2012
J.B. Pur P.S. Case No. 244/10 dt. 17.08.2010
u/S 447/323/427/506/34 of I.P.C.

Defacto- Complainant	Sri Tapan Patra
Respresented by	Ld. APP
Accused	(1) Malina Patra (2) Ritu Mondal (Patra) (3) Srikanta Patra (4) Jayanta Patra (5) Rupasi Patra (6) Bandana Patra (7) Priyanka Hatui
Represented by	Adv. Sanjibhan Saha

Date of Offence	02.07.2010
Date of FIR	17.08.2010
Date of Charge sheet	21.06.2011
Date of Plea	23.07.2014
Date of commencement of Evidence	19.02.2015
Date of the Judgment	27.07.2026
Date of the Sentencing Order, if any	Not applicable

Accused details:

Rank of the accused	Name of accused	Date of arrest	Date of release	Offenes charged with	Whether acquitted or convicted	Sentence imposed	Period of detension undergone during trial for purpose of ection 427 Cr.P.C.
01.	(1) Malina Patra	Surrendered on	06.09.2010	u/S	acquitted	N.A	N.A

02.	(2) Ritu Mondal (Patra)	06.09.2010		447/323/427/506/34 of I.P.C.			
03.	(3) Srikanta Patra						
04.	(4) Jayanta Patra						
05.	(5) Rupasi Patra						
06.	(6) Bandana Patra						
07.	(7) Priyanka Hatui						

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

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Tapan Patra	Complainant
PW2	Anjali Patra	Prosecution Witness
PW3	Saikat Patra	Prosecution Witness

B. Defence witness

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

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

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit -1	Signature on the written complaint

B: Defence :

Sr. No.	Exhibit Number	Description
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1	N.A.	N.A.
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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 17.08.2010 the O.C. of JB Pur PS received a written complaint from one Tapan Patra that on 02.07.2010 when the complainant was repairing a pucca drain then the accused persons in drunken condition abused filthy languages upon the de facto complainant. On raising protest, the above named accused persons wrongfully restrained and physically assaulted the complainant and his family members. The accused persons also damaged the said drain and threatened the complainant with dire consequences. Then they were rescued by the neighbouring people and saved himself. Thereafter a meeting was conducted by the Gram Panchayat to mediate the same but the accused Srikanta Patra did not come to attend the meeting. Thereby finding no other alternative the complainant lodged written complaint before the concerned P.S.

On the basis of the said written complaint, the concerned O.C. started **J.B. Pur P.S. Case No. 244/10 dt. 17.08.2010 u/S 447/323/427/506/34 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 being no. 110/11 dated 21.06.2011 u/S 447/323/427/506/34 of I.P.C.** 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 23.07.2014 plea was done **u/S 447/323/427/506/34 of I.P.C.** against the accused persons to which he 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 **u/S 447/323/427/506/34 of I.P.C.?**

EVIDENCE

In order to prove its case, the Prosecution has examined witnesses i.e. Tapan Patra as PW1, Anjali Patra as PW2 and Saikat Patra as PW3.

Tapan Patra as PW1 during his evidence stated that he had lodged a complaint against the accused persons. He identified them all at the time of testimony. On 02.07.2010 at about 03:00 PM the incident took place in front of his house. On the date and time of incident when the labours were repairing the drain of his house the accused persons in drunken condition abused him in filthy languages. When he raised objection the accused persons assaulted him. They also assaulted his family members. Thereafter the accused fled away. Thereafter on 03.07.2010 he lodged GDE before P.S. Thereafter he identified his signature on the written complaint which is marked Exhibit 1. He cannot recollect who typed it. He also inform the matter before the Gram Panchayat and on 16.07.2010 a meeting was fixed at Fatikgachi School but the accused did not come to attend. Thereafter he lodged GDE.

In cross examination he admitted that the accused persons are his relatives and they have also filed a criminal case against them. He also admitted that there is long running dispute going in between them over property matter and a civil case is pending between them. He admitted that if there has been no dispute between them regarding property matters then he would not have file the present case. There are so many people about 50 – 60 gathered at the PO.

Anjali Patra as PW2 stated that she has received summons to depose today. Tapan Patra is her husband. He has lodged complaint against Jayanta Patra, Susanta Patra, Srikanta Patra, Priyanka Khatui and five others. She identified all of them on dock. In the year 2010 there was an incident of verbal altercation. Nothing else happened. In cross-examination she stated that she is deposing voluntarily today. She has no allegation against the accused persons now.

Saikat Patra as PW3 stated that she has received summons to depose today. Tapan Patra is his father. He has lodged complaint against Jayanta Patra, Susanta Patra, Srikanta Patra, Priyanka Khatui and five others. He identified all of them on dock. He fell down and got injured so his father filed this case. In cross-

examination he stated that he is deposing voluntarily today. He has no allegation against the accused persons now.

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. On being asked 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.

However, on going through the evidence produced by the prosecution this court does not find any evidence to show that they voluntarily caused hurt to the complainant or other witnesses. The P.W. 1, 2 & 3 who are the complainant and witness in 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. He alleged that he was being assaulted but no corroboration has come from the prosecution side in respect of the said assault. PW 2 & 3 deposed that they have no allegation against the accused persons. It is clear that the prosecution has produced neither any material nor the prosecution examined any material witnesses of this case. No injury report has been submitted, nor any doctor has been examined in this case .

So the evidence of witnesses hardly shows existence of any material to sustain the charge **u/S 447/323/427/506/34 of I.P.C.** 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 persons beyond any shadow of doubt, and, as such, the accused persons is 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) Malina Patra, (2) Ritu Mondal (Patra), (3) Srikanta Patra, (4) Jayanta Patra, (5) Rupasi Patra, (6) Bandana Patra and (7) Priyanka Hatui are found not guilty of the offence **u/S 447/323/427/506/34 of**

I.P.C. They are acquitted **u/S 255(1) Cr.P.C.** They are also discharged from their respective bail bonds.

The seized alamats, if any, be disposed off as per law.

Surety, if any, be discharged.

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

The case is hereby disposed of.

Note in concern registers.

Dictated and corrected by me

Judicial Magistrate,
4th Court, Howrah

(Keya Sarkar)
(JO Code WB01123)
Judicial Magistrate,
4th Court, Howrah