

Form A

IN THE COURT OF THE LD. JUDICIAL MAGISTRATE, 5th COURT AT HOWRAH Present : Smt. Anusha Lama, J.O. Code: WB01108 Judicial Magistrate, 5th Court, Sadar, Howrah. <u>[DATE OF DELIVERY OF JUDGMENT: 16.06.2026]</u> <u>G.R.NO: 1936 of 2014</u> <u>(CIS Number 4520/2015)</u> <u>T.R. Number No.447/2015</u> <u>C.N.R No.WBHW04-013073-2014</u> Arising out of Domjur PS Case no. 390/2014 dated 28.03.2014 under Sections 448/325/406/506/34 of I.P.C.	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Ld. APP in-charge Keya Bakshi
ACCUSED	1. Ashok Kanrar, (Filed for ever on 18.06.2022), 2. Purnima Kanrar, 3. Lipika Samanta, 4. Krishna Kanrar, all are residents of Nona Kundu Makaltala Nayabaj, P.S. Domjur, Howrah.
REPRESENTED BY	Ld. Advocate ANINDA GHOSH

Form B

<i>Date of Offence</i>	28.03.2014
<i>Date of FIR</i>	28.03.2014
<i>Date of Charge Sheet</i>	16.04.2014
<i>Date of Framing of Charges</i>	28.04.2016
<i>Date of Commencement of Evidence</i>	03.12.2016
<i>Date on which Judgment is reserved</i>	N.A.
<i>Date of the Judgment</i>	16.06.2026
<i>Date of the Sentencing Order, if any</i>	N.A.

Accused details :

<i>Ra nk of the Acc use d</i>	<i>Name of Accused</i>	<i>Date of arrest</i>	<i>Date of release on bail</i>	<i>Offences charged with</i>	<i>Whether acquitted or convicted</i>	<i>Senten ce impose d</i>	<i>Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C</i>
<i>01.</i>	<i>Ashok Kanrar</i>	<i>ARRESTED ON 28.03.2014</i>	<i>29.03.2014</i>	<i>U/S 448/325/ 406/506/34 OF I.P.C.</i>	<i>N.A.</i>	<i>N.A</i>	<i>N.A</i>
<i>02.</i>	<i>Purnima Kanrar</i>	<i>NOT ARRESTED</i>	<i>31.03.2014</i>	<i>U/S 448/325/ 406/506/34 OF I.P.C.</i>	<i>ACQUIT TED</i>	<i>N.A</i>	<i>N.A</i>
<i>03.</i>	<i>Lipika Samanta</i>	<i>NOT ARRESTED</i>	<i>31.03.2014</i>	<i>U/S 448/325/ 406/506/34 OF I.P.C.</i>	<i>ACQUIT TED</i>	<i>N.A</i>	<i>N.A</i>
<i>04.</i>	<i>Krishna Kanrar</i>	<i>NOT ARRESTED</i>	<i>31.03.2014</i>	<i>U/S 448/325/ 406/506/34 OF I.P.C.</i>	<i>ACQUIT TED</i>	<i>N.A</i>	<i>N.A</i>

Form C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, PANCH WITNESS, OTHER WITNESS)</i>
<i>PW1</i>	<i>Srikanta Samanta</i>	<i>Other witness</i>
<i>PW2</i>	<i>Dr. Mala Chatterjee</i>	<i>Doctor</i>
<i>PW3</i>	<i>Indrajit Samanta</i>	<i>Other witness</i>

B. Defence Witness, if any : NO DEFENCE WITNESS HAS BEEN ADDUCED

C. Court Witness, if any : NO COURT WITNESS HAS BEEN EXAMINED

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

<i>Sr. No</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1.</i>	<i>EXHIBIT -1</i>	<i>Signature of P.W.1 on the written complaint.</i>
<i>2.</i>	<i>EXHIBIT -2</i>	<i>The injury report and the handwriting of P.W.2</i>
	<i>EXHIBIT -P/2/1</i>	<i>The signature of P.W.3 on the injry report</i>

B. Defence Exhibits: NO DOCUMENTS HAS BEEN PRODUCED.

C. Court Exhibits: NOT APPLICABLE

D. Material Exhibits: NONE

JUDGMENT

The above named accused persons stood trial for committing offences punishable under sections **U/S 448/325/406/506/34** of the **Indian Penal Code** (Hereinafter called as the “**IPC**”).

The prosecution case in brief is that, one Srikanta Samanta, Son of Nabakesto Samanta of Parbatpur Chowdhury Para, Domjur P.S, District- Howrah submitted one written complaint before the O/C Domjur P.S to the effect that, around 4 years ago the de facto complainant's nephew Indrajit Samanta got married with Lipika Samanta and since after marriage the accused Ashok Kanrar on various occasion has taken Rs. 15,00,000/- in total. The de facto complainant's nephew Indrajit Samanta asked for his money as the accused Ashok Kanrar had not returned the same but in vain. Thereafter the accused Lipika Samanta filed a matrimonial case against Indrajit Samanta and his family and left the matrimonial home with the money and other things. On 28.03.2014 at about 07.00pm when the de facto complainant's nephew and his mother went to his in-laws house, at that time the above named accused persons abused them in filthy languages and on protest the accused persons assaulted them with fists and blows. The accused persons also threatened them with dire consequences. As a result they received grievous injury on their persons. Hence, this case.

On the basis of the complaint one FIR was lodged and **Domjur P.S** case number **390/2014** dated **28.03.2014** was started against the above named accused persons. After completion of the investigation, the Investigation Officer submitted **Charge-Sheet** being number **280/2014** dated **16.04.2014** was submitted against the above named accused persons for the offences punishable under Sections **U/S 448/325/406/506/34** of the **IPC**.

On **28.04.2016** charge was framed against the accused persons u/s **448/325/406/506/34** of I.P.C. The contents of the charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried in open court. Hence this trial.

It is pertinent to mention here that, the accused person namely, Ashok Kanrar expired during the pendency of this case and as such the case against him was filed for ever on 18.06.2022.

POINTS FOR CONSIDERATION :-

1. Whether the prosecution has been able to prove the guilt of the above-named accused persons?

2. Whether the prosecution has been able to prove offences punishable under Sections **448/325/406/506/34** of the IPC beyond any shadow of reasonable doubt?

EVIDENCE ADDUCED :-

In order to substantiate the charge, the prosecution has examined only two witnesses namely, **Srikanta Samanta**, who deposed as **PW-1**, **Dr. Mala Chatterjee** as **P.W.2** and **Indrajit Samanta** as **P.W.3** respectively.

The above named accused persons were examined under Section **313** of the **Code of Criminal Procedure** (hereinafter called the “**Cr.P.C.**”) on **16.06.2026**. They claimed innocence and declined to adduce any evidence on their behalf.

DECISION WITH REASONS:-

For the sake of brevity and convenience both the points are taken up together for adjudication.

PW-1, Srikanta Samanta has deposed in his evidence that, his nephew Indrajit Samanta filed this case against the above named accused persons. The signature of P.W.1 is marked as **Exhibit-1**.

In his cross-examination he stated that, his nephew Indrajit resides at Parbatipur Chowdhury Para under Police Station Domjur but at present he is residing at another place for more than eight (08) months which he does not know. He admitted that, he does not know what is written in his written complaint. He knew that wife of Indrajit filed a case against him for maintenance.

PW-2, Dr. Mala Chatterjee has deposed in her evidence that on 28.03.2014, she was posted at Domjur Rural Hospital as Medical Officer. She stated that, on that day, she examined one Indrajit Samanta and Sobita Samanta who were brought by one Gopal Gain and Gour Mohan Jana. During examination, she observed that the patient Indrajit Samanta had tenderness over his scalp, chest and left me and Sobita Samanta had tenderness over right elbow, chest and over low back region. She stated that the patient had simple injury and it was a fresh injury.

In her cross-examination she admitted that such type of injury can be caused if anyone falls on ground.

PW-3, Indrajit Samanta has deposed in his evidence that, Srikanta Samanta is his father's middle brother. He does not know about any incident for which Srikanta Samanta had filed a complaint before the P.S. He stated that Sabita Samanta is his mother and she is bed ridden since long. The signature of P.W.2 on the injury report is marked as **Exhibit- P/2/1**.

In his cross-examination he stated that, he was not interrogated by the IO regarding this case at any point of time.

These are all we get from the evidences.

Given as such, it appears that the evidence of the above witnesses is not consistent and as such is not reliable and they have not supported the prosecution case at all. The defacto complainant/PW-1, Srikanta Samanta has deposed in his evidence that, he does not know what is written in his written complaint. Further the victim/PW3 Indrajit Samanta has deposed in his evidence that, Srikanta Samanta is his father's middle brother and he feigned total ignorance about any incident for which Srikanta Samanta had filed a complaint before the P.S. This withholding speaks volume against the prosecution case.

It is well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused persons has to be tested. In case the charge is found to be proved, the accused persons are sent to gallows, but if it is not proved, the accused must be set at liberty giving them the benefit of doubt. In the present case, the evidence on record, when tested on the touchstone of the often-quoted principle of "proof beyond reasonable doubt", it appears to me that the prosecution has failed to prove the charges against the accused persons.

Considering the foregoing discussion, it appears that none of the essential ingredients is proved by the prosecution beyond reasonable doubt to establish the offence U/S **448/325/406/506/34 of IPC**.

Thus, the prosecution has miserably failed to prove its case beyond reasonable doubts. So, in this case the accused persons are not liable to be punished since the charge against them has not been proved by the prosecution. Hence, they must be acquitted for absence of conclusive proof. So, I do not find any reason to believe that the accused persons have committed the offence punishable U/S **448/325/406/506/34 of the Indian Penal Code**. Accordingly, the prosecution case fails and accused persons merit acquittal.

Hence, it is,

ORDERED

That all the **three (03)** accused persons namely, 1. **Purnima Kanrar**, 2. **Lipika Samanta** and 3. **Krishna Kanrar**, are found not guilty of the offences punishable under Sections **448/325/406/506/34** of the Indian Penal Code. They are

acquitted accordingly under Section 248(1) of the Cr.P.C. The acquitted persons also be released from their bail bonds. Sureties are also hereby discharged.

The I.O. is hereby directed to return the original document and seizure materials, to its owner, if any, in due course of time as per the provision of law. Inform the I.O. accordingly.

Let a copy of this Judgment of acquittal be forwarded to the District Magistrate and D.L.S.A concerned for due intimation to the victim as defined under Section 2(wa) of the

Code of Criminal Procedure and the victim has every right to prefer appeal under Section 372 Proviso of the Code of Criminal Procedure and if necessary the victim has right to avail free legal Aid.

D.A. is asked to take all the necessary steps.

Accordingly, this instant case is disposed of.

Dictated and corrected by me:

**Judicial Magistrate, 1st Class,
5th Court, Sadar, Howrah**

**Judicial Magistrate, 1st Class,
5th Court, Sadar, Howrah.**