

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 18th JUNE, 2026

G.R. Case No. 1571 of 2012
CIS 13937 of 2014
CNR No.WBHW04-013481-2012
T.R. Case No. 225 of 2013
Bally P.S. Case No. 228/12 dt. 13.03.2012
u/S 147/448/323/506/34 of I.P.C.

Defacto- Complainant	Bijay Kumar Barman
Respresented by	Ld. APP
Accused	(1) Ratan Chandra Khetri (2) Rajesh Khetri (3) Abhoy Mishra (4) Munna Dubey @ Bijay (5) Ramesh Dubey
Represented by	Adv. Dinesh Saha

Date of Offence	11.03.2012
Date of FIR	13.03.2012
Date of Charge sheet	15.05.2012
Date of Plea	24.09.2013
Date of commencement of Evidence	18.06.2026
Date of the Judgment	18.06.2026
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) Ratan Chandra Khetri	Surrendered on 17.03.2012	17.03.2012	u/S 147/448/323/506/34 of I.P.C.	acquitted	N.A	N.A
02.	(2) Rajesh Khetri						

03.	(3) Abhoy Mishra						
04.	(4) Munna Dubey						
	@ Bijay						
05.	(5) Ramesh Dubey						

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

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1 (CSW1)	Bijay Kumar Barman	Complainant

B. Defence witness

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

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

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/ 1/PW1	Signature on the written complaint

B: Defence :

Sr. No.	Exhibit Number	Description
1	N.A.	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 there was a dispute regarding construction of 'Ram Pariwar Mandir' in their common passage. But since long the said accused persons captured the said room and thereby on 11.03.2012 he lodged the GDE before concerned P.S. On 13.03.2012 at about 10:30 am the accused persons tried to break open the padlock of his room forcibly. On raising protest, the accused persons wrongfully restrained and physically assaulted the complainant and his son and thereby they sustained bleeding injuries. The accused persons also threatened the complainant with dire consequences. The accused persons also snatched the gold items from the complainant. Then he was rescued by the neighbouring people and saved himself. 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 **Bally P.S. Case No. 228/12 dt. 13.03.2012 U/S. 147/448/323/506/34 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. 415/12 dated 15.05.2012 u/S 147/448/323/506/34 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 24.09.2013 plea was done **u/S 147/448/323/506/34 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 147/448/323/506/34 of I.P.C.?**

EVIDENCE

In order to prove its case, the Prosecution has examined witness i.e. Bijay Kumar Barman as PW1 (CSW1).

Bijay Kumar Barman as PW1 (CSW1) during his evidence stated that he had lodged a complaint against the accused persons. He identified you all at the time of testimony. He lodged this complaint out of misunderstanding. Thereafter he identified his signature on the written complaint which is marked Exhibit P1/1/PW1.

In cross examination he stated that he is deposing voluntarily and cannot say what is written in the written complaint and he has no allegation against the accused persons.

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 who is the complainant 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 deposed that he has 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. 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 .

So the evidence of witnesses hardly shows existence of any material to sustain the charge **u/S 147/448/323/506/34 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) Ratan Chandra Khetri, (2) Rajesh Khetri, (3) Abhoy Mishra, (4) Munna Dubey @ Bijay and (5) Ramesh Dubey are found not guilty of the offence **u/S 147/448/323/506/34 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