

In the Court of the Judicial Magistrate, 1st Court, Uluberia, District: Howrah PRESENT: AKASH BOSE (U.I.D.WBJ01491) Judicial Magistrate, 1st Court, Uluberia, Howrah (Under Sections 341/323/325/34 of IPC) (T.R. No 24 of 2017) DATE OF JUDGMENT: 9th DAY OF JUNE, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP ASIT KUMAR HAIT
ACCUSED	A-1. TARUN BERA A-2. SHYAMALI BERA BOTH OF VILL – KAZIR CHARA, PO – DASVAGA, PS – BAURIA, DIST – HOWRAH.
REPRESENTED BY	MOINUR RAHAMAN MOLLAH
Date of Offence	28/10/2011
Date of FIR	02/11/2011
Date of Chargesheet	30/11/2011
Date of Framing of Charge / plea	05/01/2023
Date of commencement of Evidence	12/12/2025
Date on which Judgment is reserved	08/06/2026
Date of Judgment	08/06/2026
Date of Sentencing Order, if any	NIL

Case No. G.R. 2949 of 2011
CIS No. GR 2949 of 2011
CNR: WBHW12000406-2011

ACCUSED DETAILS							
Rank of the Accused	Name of the Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
A-1	TARUN BERA	Surrendered on 23.11.2011	Released on 23.11.2011	341/323/325/34 of IPC	Acquitted	N/A	N/A
A-2	SHYAMALI BERA	Surrendered on 23.11.2011	Released on 23.11.2011	341/323/325/34 of IPC	Acquitted	N/A	N/A
LIST OF PROSECUTION WITNESS							
RANK		NAME		NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)			
PW1		Sadai Bera		DEFACTO COMPLAINANT			

LIST OF DEFENCE WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF COURT WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
01	P1	Signatures upon the Complaint

LIST OF DEFENCE EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF COURT EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF MATERIAL OBJECTS		
Sl. No.	Material Object Number	Description
	NIL	NIL

POINTS FOR DETERMINATION

- i) Whether the accused persons have committed offence punishable under Sections **341/323/325/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **341/323/325/34 of IPC** against the accused persons ?

DECISION WITH REASONS

1. Both the points are taken up together for convenience of discussions and to avoid repetition.
2. The instant case was initiated on the basis of a written complaint filed before O/C Bauria PS by stating that it is alleged that on 27.11.2011 the both accused illegally came to the land which is possessed by the complainant during his absence and on next day at about 10.00 to 10.30 am, the complainant protested against the illegal act of the accused and due to hot altercation, the accused used abusive language towards complainant and threatened to kill him. Later, when the brother of complainant came to house then accused chased him with sabol and also assaulted him badly and in the course of said incident, the brother of the complainant received injury in his left hand and also knee of right leg, the complainant was also received injury when he tried to intervene. Further, with the help of local people, they managed to save themselves but the accused before leaving the place, took away one silver chain from the complainant and also bite the hand of him. The victim went to the concerned hospital of Bauria and he was admitted over there. Further, the matter was informed and diarised before Bauria PS vide GDEntry no – 1148, dated 28.10.2011. Being aggrieved the instant complaint was lodged before O/C Bauria PS for further relief.
3. On the basis of such written complaint vide Bauria PS Case no – 135/2011, dated 02.11.2011 under Sections **341/323/325/379/34 of IPC** was initiated against the accused persons A-1 to A-2 and police took up investigation in the case.
4. The I/O of this case, namely SI Bishnupada Biswas of Bauria PS upon completion of the investigation submitted Charge-Sheet being No. 141/2011, dated 30.11.2011 under Sections **341/323/325/34 of IPC** against the accused

persons A-1 to A-2 in compliance with section 173(5) of the Code of Criminal Procedure.

5. On receipt of the Charge-Sheet, the then Ld. A.C.J.M., Uluberia, took cognizance of the offence and after complying the provisions of Section 207 of the Code of Criminal Procedure, transferred the case to this court for trial and final disposal vide order dated 23.11.2016.
6. On consideration of the materials on record and on hearing the Ld. A.P.P and the Ld. Counsel for the defence, charge was framed against the accused persons for the offences punishable under Sections **341/323/325/34 of IPC** to which each of them claimed to be NOT GUILTY and pleaded to be tried and hence the trial commenced.
6. Out of the eight (08) prosecution witnesses named in the charge-sheet, the prosecution examined complainant as PW-1.
7. Now before entering into the merit of the prosecution case, this Court would like to reiterate the cardinal principle of criminal law and justice that the prosecution has to establish its case beyond all reasonable doubt. Through the testimony of the witnesses fortified by documentary proof, the prosecution has to build or form a chain of circumstances and the same should be so complete that there is no escape from the conclusion that within all probability the crime was committed by the accused persons and none else and the evidence is consistent with the guilt of the accused persons and inconsistent with the plea of innocence. There must be clear and unequivocal proof of the *corpus delicti*.
8. PW-1/CSW-1 namely Sadai Bera has appeared on dock and stated that he has filed this case against the accused and they are present today. The said complainant further identified his signature upon the complaint. Let the signatures be marked as **Ext – P1/PW1**. The said witness on dock has stated that he does not know regarding the alleged incident. During cross examination, the said witness has stated that there was also a counter case is pending against them before Ld 2nd JM Court, Uluberia and the matter is also edge of completion. He further admitted that his brother Shanti who is one of the victim of this case is presently expired and died two years back.
Then PW evidence stands closed as per verbal submission made by Ld APP.
Perusing the record and materials for the proper adjudication, the verbal prayer of Ld APP to close the prosecution evidence is hereby closed.
9. Considering the trend of deposition of PW-1, Ld. APP prayed for closing the evidence of the other witnesses in connection with this case and accordingly the prayer was allowed and evidence for the prosecution was closed on 04.06.2026 and due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 08.06.2026. After discharge, the prosecution witness as per prayer of Ld APP, I perused all the record and evidences and from bare perusal of the aforesaid document, I find that no such

inculpatory material arise against the accused and thus if the 313 will be taken on same date, it would not be infringed or breach of justice.

10. From the thorough study and scrutiny of the evidence on record and also in the light of the arguments put forward by the Ld. APP and the Ld. Counsel for the defence, it is clear that the witnesses have failed to corroborate the complaint and the case and allegations leveled against the accused persons in totality. None of the witnesses were successful in fully corroborating the FIR or naming or identifying the accused persons. From the above deposition, it is appeared before this court, there was a dispute between the both parties and the dispute is civil in nature and due to that property dispute, the above mentioned complainant has filed this case before this court out of rage and presently at the time of examining witness, the concerned person failed to state any material facts and thus after perusing the materials on record, I do not find any inculpatory materials arose from this case. Moreover, the female witness has not corroborated or did not bring any material witness before this court regarding the offences relating to woman and both the witnesses on dock have admitted that they did not remember anything regarding this case.

11. It is pertinent to refer the case of **Kathi Bharat Vajsur & Anr. Vs. State of Gujrat [(2012) 5 SCC 724]** wherein the Hon'ble Apex Court reiterated that, *"It is a well settled principle of criminal trial that the guilt of the accused must be proved beyond reasonable doubt...."* Thus, putting the case on the touchstone as narrated above, I find that the evidences cited are not awe inspiring in forming up a string of events to establish the prosecution case beyond reasonable doubt. With such state of the evidences on record this court has no hesitation to declare that the prosecution has failed to prove the charges against the accused persons A-1 to A-2. Accordingly, both the points for determination are decided in negative against the prosecution. Thus, the case failed and the accused persons A-1 to A-2 are liable to be acquitted.

DECISION THEREOF

12. Hence,
it is,

ORDERED

that the accused persons A-1 to A-2 are found **not guilty** of committing the offence punishable under sections **341/323/325/34 of IPC** and they are **acquitted** from this case under section 248(1) of the CrPC.

The accused persons A-1 to A-2 are on Court bail and they are discharged forthwith from their bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR – 2949 of 2011 is disposed of.

Dictated by me.

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Order dated : 08.06.2026

Today is fixed for 313, argument and judgment if possible.

Ld APP is present.

The accused A-1 to A-2 are present and files hazira.

The accused are further produce 313 today by 1 pm and argument was heard in 2.00 pm in presence of both parties.

The accused file 313 on behalf of all accused.

Let the 313 be kept with record. The accused are examined U/s 313 of Crpc they deny to adduce any evidence on their behalf.

Heard argument at 2.00 pm and judgment passed on 4.30 pm.

Both parties are directed to be remain present.

Upon consideration of the materials on record and perusing the 313 and argument submitted by both Advocate of the respective parties and thus I consider that the accused A-1 to A-2 are not guilty and liable to be acquitted from this case.

Later ,

Both the parties are present.

Judgment is delivered in open court.

Judgment is written in separate sheets containing 5 pages are kept with the record.

As per judgment it is

ORDERED

that the accused persons A-1 to A-2 are found **not guilty** of committing the offence punishable under sections **341/323/325/34 of IPC** and they are **acquitted** from this case under section 248(1) of the CrPC.

The accused persons A-1 to A-2 are on Court bail and they are discharged forthwith from their bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR - 2949 of 2011 is disposed of.

Judgment is pronounced in open court on this 8th day of June, 2026 at 4.30 PM.

Let a copy of this order be sent to Ld. Secretary, DLSA, Howrah.

Take a note in relevant register and cause list.

D/C by me

Akash Bose
J.M. 1st Court, Uluberia, Howrah

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