

Case No. G.R. 1842 of 2019
CIS No. GR 608 of 2020
CNR: WBHW12001870-2020

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 341/325/506/34 of IPC) (T.R. No 410 of 2020) DATE OF JUDGMENT: 30th DAY OF JUNE, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP ASIT KUMAR HAIT
ACCUSED	A-1. TAPAN MONDAL A-2. BADAL MONDAL A-3. NARAYAN SARDAR A-4. RUPCHAND MONDAL A-5. AMIYA MONDAL ALL OF VILL – SAIYADPUR, PO – GUTINAGORI, PS – SHYAMPUR, DIST – HOWRAH.
REPRESENTED BY	SUTANU MAJI, ANINDO BOSE, TAPAS DENRE & BAKULMONI BISWAS
Date of Offence	18/08/2019
Date of FIR	28/08/2019
Date of Chargesheet	31/12/2019
Date of Framing of Charge / plea	23/06/2026
Date of commencement of Evidence	24/06/2026
Date on which Judgment is reserved	30/06/2026
Date of Judgment	30/06/2026
Date of Sentencing Order, if any	NIL

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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	TAPAN MONDAL	Surrendered on 26.12.2019	Released on 26.12.2019	341/325/506 /34 of IPC	Acquitted	N/A	N/A
A-2	BADAL MONDAL	Surrendered on 26.12.2019	Released on 26.12.2019	341/325/506 /34 of IPC	Acquitted	N/A	N/A
A-3	NARAYAN SARDAR	Surrendered on 05.09.2020	Released on 05.09.2020	341/325/506 /34 of IPC	Acquitted	N/A	N/A
A-4	RUPCHAND MONDAL	Surrendered on 05.09.2020	Released on 05.09.2020	341/325/506 /34 of IPC	Acquitted	N/A	N/A
A-5	AMIYA MONDAL	Surrendered on 05.09.2020	Released on 05.09.2020	341/325/506 /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		Nitai Ghosh			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		

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LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
01	P1/PW1	Signature upon the Complaint
02	P2/PW1	Signature upon the formal FIR

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 **341/325/506/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **341/325/506/34 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 Shyampur PS by stating that it is alleged that on 18.08.2019 at about 21.00 hrs, there was a dispute arise due to immersion of Ram Sita idol and for that reason, the accused attacked upon the complainant with bamboo, sabol, stick and tried to assault him. The complainant somehow managed to save himself but received injury in his left eye by a fist of accused. Further, all the accused assaulted him in his whole body by stick, bamboo, rod and with the help of local people, he managed to save himself and he was admitted to the Nabagram Hospital for further medical treatment. Being aggrieved the instant complaint was lodged before concerned PS for further relief.
- 3 . On the basis of such written complaint vide Shyampur PS Case no – 395/2019, dated 28/08/2019 under Sections **341/325/307/506/34 of IPC** was initiated against the accused persons A-1 to A-9 and police took up investigation in the case.
- 4 . The I/O of this case, namely SI Mrityunjoy Ghosh of Garchumuk TPOP upon completion of the investigation submitted Charge-Sheet being No. 508/2019,

dated 31.12.2019 under Sections **341/325/506/34 of IPC** against the accused persons A-1 to A-5 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 05.09.2020.
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 **341/325/506/34 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 Nitai Ghosh has appeared on dock and stated that he has filed this case against the accused Tapan Mondal, Badal Mondal, Narayan Sardar, Rupchand Mondal, Amiyo Mondal and they are present today. The said complainant further identified his signatures upon the complaint. Let it be marked as Ext – P1/PW1 and identified his signature upon formal FIR. Let it be marked as Ext - P2/PW1. The said witness on dock has stated that he does not know regarding the alleged incident and has not remembered the date and details. During cross examination, the witness did not state any material facts against the accused.

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 24.06.2026 and due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 24.06.2026 and argument and judgment was fixed on 30.06.2026. 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-5. 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-5 are liable to be acquitted.

DECISION THEREOF

12. Hence,
it is,

ORDERED

that the accused persons A-1 to A-5 are found **not guilty** of committing the offence punishable under sections **341/325/506/34 of IPC** and they are **acquitted** from this case under section 248(1) of the CrPC.

The accused persons A-1 to A-5 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.

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BC II to enter in relevant register. Update CIS.

The case being no. GR – 1842 of 2019 (New GR – 608 of 2020) is disposed of.

Dictated by me.

Judicial Magistrate, 1st Court
Uluberia, Howrah

Judicial Magistrate, 1st Court
Uluberia, Howrah

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Order dated : 30.06.2026

Today is fixed for argument and judgment if possible.

The accused are present.

Ld APP is also present.

The accused A-1 to A-5 are present today and files hazira.

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-5 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 6 pages are kept with the record.

As per judgment it is

ORDERED

that the accused persons A-1 to A-5 are found **not guilty** of committing the offence punishable under sections **341/325/506/34 of IPC** and they are **acquitted** from this case under section 248(1) of the CrPC.

The accused persons A-1 to A-5 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 – 1842 of 2019 (New GR – 608 of 2020) is disposed of.

Judgment is pronounced in open court on this 30th 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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