

G.R. CASE NO. 3737 of 2020
State of West Bengal Vs Ajad Sk and others
Under sections 341/324/325/34 of the Indian Penal Code,1860

FORM A

IN THE COURT OF THE LD. ADDL. CHIEF JUDICIAL MAGISTRATE, BERHAMPORE, DISTRICT: MURSHIDABAD	
Present: Smt. Sukti Sarker, ACJM, Berhampore, Murshidabad [JO Code WB 01237]	
<u>GR Case No. 3737 of 2020</u> <u>T.R. No. 2750/2022</u> <u>CNR no. WBMD04-006244-2020</u>	
(Ref: Domkal PS Case No. 633/2020 dated 23.10.2020)	
Complainant	STATE OF WEST BENGAL
Represented by	Sri Abid Hassan, Ld. APP
Accused Persons	1. Ajad Sk @ Azad Sk
	2. Saiful Sk @ Saiful Sekh
	3. Rajjak Sk @ Abdur Rajjak
	4. Moidul Haque @ Sk
Ld. Defence Counsel	Md. Mozammel Haqu3e

FORM B

Date of Offence	21.10.2020
Date of FIR	23.10.2020
Date of Charge sheet	31.12.2020
Date of Framing Charge	05.08.2022
Date of Commencement of Evidence	18.04.2026
Date on which Judgment is reserved	-
Date of Judgment	18.04.2026
Date of the sentencing order, if any	NA

Accused Details

Rank and name of the Accused person	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of section 428 Crpc
1. Ajad Sk @ Azad Sk	Surrendered	02.11.2020	U/S 341/324/325/ 34 IPC	Acquitted	NA	NA
2. Saiful Sk @ Saiful Sekh	Surrendered	02.11.2020	U/S 341/324/325/ 34 IPC	Acquitted	NA	NA
3. Rajjak Sk @ Abdur Rajjak	Surrendered	02.11.2020	U/S 341/324/325/ 34 IPC	Acquitted	NA	NA
4. Moidul Haque @ Sk	Surrendered	02.11.2020	U/S 341/324/325/ 34 IPC	Acquitted	NA	NA

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Form C

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
PW1	Afroja Bibi	De-facto Complainant
PW2	Khodejan Bibi	Injured
PW3	Yasin Shekh	Injured
PW4`	Billal Hossain Mondal	Injured

B. Defence witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITES

A. Prosecution

Serial Number	Exhibit Number	Description
1.	P1/PW1	Written complaint along with signature

B. Defence: Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

: Judgement :

Case of the prosecution came into trial under section 341/324/325/34 of Indian Penal Code.

The prosecution case in brief is that on 21.10.2020, at about 06:00hrs, the accused persons assaulted father and mother of the de-facto complainant by iron rod, bamboo stick and sharp cutting weapon over the issue of landed properties. Due to such assault the victims received grievous injury on their person and for that reason they treated at Domkal SD Hospital and thereafter at Murshidabad Medical College & Hospital. Hence, the case.

After completion of investigation police submitted charge sheet against the accused persons under sections- 341/324/325/34 IPC and charges were framed u/s 341/324/325/34 IPC after perusal of the materials in CD and CR.

It is to be mentioned that accused Babu Sk @ Babar Ali Sk expired and the case was filed for ever.

At the trial the State examined prosecution witnesses already mentioned above.

The accused persons were examined u/s 313 of Cr.PC and they pleaded their innocence.

POINTS FOR DETERMINATION

- 1) Are the accused persons found guilty for the offences punishable u/s – 341/324/325/34 IPC?
- 2) Has the prosecution been able to prove the case against the accused persons beyond reasonable doubts?

DECISION WITH REASONS

In this case PW1 i.e. the de-facto complainant in her examination-in-chief stated that the incident took place around 5 years ago in the morning at about 07:00am. She has further stated that there was dispute between herself and the accused persons over the issue of landed properties and due to such alleged incident, her father received injury on his head and her mother and brother also assaulted and all were treated at Hospital. She also stated that one of the accused persons Babu Sk expired. During the trends of her cross examination, she has stated that she has

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filed this case out of misunderstanding. She failed to stated that who assaulted her father, and other family members as many people accumulated in the place of occurrence. She has further stated that she has no allegation against the accused.

Other witnesses, namely, Khodejan Bibi, Yasin Shekh and Billal Hossain Mondal are the injured persons, in a same tune have stated that the alleged incident took place in the year 2020 in their house and they received injury and treated at hospital. During the course of their cross examination they in same tune stated that this case was lodged out of misunderstanding. They have failed to state who assaulted them. They also admitted that they have no allegation against the accused persons.

Upon perusal of the case record, it appears that there are enough allegation in the FIR against the accused, but neither PW1 de facto of the incident did not utter a single word against the accused or their involvement in the alleged offence nor PW2, PW3 & PW4 i.e. the injured state the name of the assailant. On contrary they failed to state how they received the injury or who assaulted them. Nothing has come before this Court either oral or documentary to substantiate the offence as labelled against the accused in the FIR. Thus, the allegations brought by the prosecution has not been successfully proven.

The obvious result of all these glaring discrepancies and pitfalls must also be obvious. The prosecution case must be declared to have failed. The charges brought against the accused persons could not be substantiated.

This is a case where an order of acquittal would follow because of the doctrine relating to proof beyond reasonable doubt and because there has been absolute lack of credible evidence in support of the framed charges as well as because there are too many questions left unanswered by the State.

To conclude, the prosecution has miserably failed to prove its case against the accused persons. This failure entitles the accused to an order of acquittal.

Hence, it is

ORDERED

The accused persons being **1. Ajad Sk @ Azad Sk, 2. Saiful Sk @ Saiful Sekh, 3. Rajjak Sk @ Abdur Rajjak and 4. Moidul Haque @ Sk** are not found guilty in the instant case U/s. 341/324/325/34 IPC and they are acquitted under Section 248(1) Cr.P.C.

Set them at liberty at once.

They are also released from their respective bail bonds and the sureties stands discharged.

Dictated and corrected by me.

(Sukti Sarker)
JO: WB01237
Addl Chief Judicial Magistrate
Berhampore, Murshidabad

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Order dated- 18.04.2026

The record is put up by petition.

All the accused persons on Court bail are present by filing hazira. The Ld. APP as well as the Ld. Defence Lawyer are also present.

The witnesses namely, Afroja Bibi, Khodejan Bibi, Yasin Shekh and Billal Hossain Mondal are present with photo identity proof & file power.

They are examined & cross-examined in full as PW-1, PW-2, PW-3 and PW4 and discharged.

The signature of PW1 along with written complaint of PW-1 is marked as Exbt.P1/PW1.

Ld. Advocate for the accused files a petition, praying for closure of evidence on the ground that nothing transpires from the deposition of the witnesses.

Hence summoning of further witness would be nothing less than futile attempts at wasting the judicial hour & revenue of the Court.

Thus, evidence of the prosecution is hereby closed.

All accused persons are present.

Thereafter the record is taken up for examination of the accused persons u/s 313 of Cr.P.C.

Accused persons are examination u/s 313 Cr.P.C and they pleaded their innocence throughout. They declined to give any DW.

Heard both sides.

Judgment will be delivered at 3.00 pm.

Dictated and corrected by me.

(Sukti Sarker)
JO: WB01237
Addl Chief Judicial Magistrate
Berhampore, Murshidabad

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Later at 3.00 pm.

Hence, it is

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