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| IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS, 2 <sup>nd</sup> COURT,<br>RANAGHAT, NADIA<br>PRESENT : <b>SHAKIB AKHTAR</b><br>JO Code- WB01522<br>[GR Case No. <b>1999/2015</b> ]<br>[Reg.252/2017 ]<br>T.R. No.100/16<br><b>(Arising out of Ranaghat P.S. Case No. 508 dated 04.10.2015)</b><br><b><u>Under Sections 341/323/325/354A/34 of the Indian Penal Code</u></b><br><b><u>Date of Judgment-31.07.2026</u></b> |                                                 |
| Complainant                                                                                                                                                                                                                                                                                                                                                                                                                | STATE OF WEST BENGAL                            |
| REPRESENTED BY                                                                                                                                                                                                                                                                                                                                                                                                             | Ld. APP Mr. Chandrasekhar Chowdhury             |
| ACCUSED                                                                                                                                                                                                                                                                                                                                                                                                                    | 1. Sumangal Dutta (A1)<br>2. Santanu Dutta (A2) |
| REPRESENTED BY                                                                                                                                                                                                                                                                                                                                                                                                             | Ld. Advocate.                                   |

|                                      |            |
|--------------------------------------|------------|
| Date of Offence                      | 08.09.2015 |
| Date of FIR                          | 04.10.2015 |
| Date of Chargesheet                  | 30.11.2015 |
| Date of Framing of Charges           | 05.06.2026 |
| Date of commencement of evidence     | 05.06.2026 |
| Date on which judgment is reserved   | 31.07.2026 |
| Date of the Judgment                 | 31.07.2026 |
| Date of the Sentencing Order, if any | NA         |

**FORM B**

**Accused Details :**

| Rank of the Accused | Name of 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. |
|---------------------|-----------------|----------------|-------------------------|-----------------------|--------------------------------|------------------|--------------------------------------------------------------------------------|
|                     |                 |                |                         |                       |                                |                  |                                                                                |

|                |                                                     |    |            |                             |           |     |     |
|----------------|-----------------------------------------------------|----|------------|-----------------------------|-----------|-----|-----|
| A1<br>to<br>A2 | 1.Sumangal<br>Dutta (A1)<br>2.Santanu<br>Dutta (A2) | NA | 05.11.2015 | 341/323/325/<br>354A/34 IPC | Acquitted | N/A | N/A |
|----------------|-----------------------------------------------------|----|------------|-----------------------------|-----------|-----|-----|

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

| RANK  | NAME                  | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE<br>WITNESS, EXPERT<br>WITNESS, MEDICAL<br>WITNESS, PANCH WITNESS,<br>OTHER WITNESS) |
|-------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------|
| PW.1. | Lakhan Chandra Sarkar | De facto complainant                                                                                                           |

**Fact of the Case-**

This instant case has been registered on the basis of the complaint lodged by Lakhan Chandra Sarkar, S/O- Late Gopal Chandra Sarkar of Raghbapur under PS-Ranaghat, Dist. Nadia before Ranaghat Court. On the basis of the said Court complaint Ranaghat P.S. Case No.508 dated 04.10.2015 under Sections 341/323/325/354A/34 IPC of the Indian Penal Code was started. After proper investigation, police submitted charge Sheet no.591 dated 30.11.2015 against the accused Sumangal Dutta and Santanu Dutta under Section 341/323/325/354A/34 of the Indian Penal Code.

The Prosecution case in brief is that on 08.09.2015 at around 6.15 hours when the daughter of the de facto complainant and his daughter Chitralekha were going to take tuition of Chitralekha and on the way they reached near the house of Chitta Biswas, at that time the aforesaid accused persons attacked them and used filthy languages and also outraged the female modesty of the daughter of de facto complainant and on protest, the accused persons assaulted them with fist and blows, iron rod on his head. As a result, the complainant received injury and treated at Jadab Dutta BPHC and on the basis of these incidents, the prosecution case was started.

This case was transferred to this Court for trial Charge under Sections 341/323/325/354A/34 of the Indian Penal Code was framed against the accused and the substance of accusation was read over to the accused to which they pleaded not guilty and claimed to be tried. Prosecution produces 01 witness in support of its case.

The accused persons were examined U/Sec 313 of Cr.P.C and they did not adduce any defense witness. Now it is the time to enter into the evidence on record.

**Documentary Evidence**

| Sl No. | Particulars of documents                                                                                                                         | Date of admission | Marked as            |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------|
| 1      | Signature of the defacto complainant, PW-1 namely Lakhan Chandra Sarkar, S/O- Late Gopal Chandra Sarkar upon the Court complaint dt. 15.09.2015. | 05.06.2026        | Exhibit – P1 Series. |

**Oral evidence:**

**P.W. 1:** P.W.1 is Lakhan Chandra Sarkar, i.e the defacto complainant of this case. During his examination in chief he stated that the alleged incident took place in the year 2015 at around 06:00 a.m. on the road near their house whee an altercation took place with the accused persons in which neither he nor his daughter received any injury.

During his cross-examination he specifically stated that the dispute between them and the accused persons has been amicably resolved and therefore, he has got no further allegation against the accused if they are acquitted from this case.

**POINTS OF DETERMINATION**

- 1. Whether prosecution has been able to prove their case beyond reasonable doubt by producing cogent evidence?
- 2. Whether the accused persons are liable to be convicted or not?

**DECISION WITH REASON**

Both the points of determination are taken up together for the sake of convenience.

After scrutinizing the material on record it appears to this Court that prosecution has failed to prove the accusations against the accused persons. Prosecution has examined only 01 witness. After perusal of the deposition of the witnesses it appears to this Court that there is no sufficient ground to prove the allegation against the accused persons. There is no material of incriminating nature on record to ascertain the guilt of the accused persons beyond reasonable doubt.

After perusal of the deposition of the witness i.e. PW1 it appears to this Court that he was unable to state any details of the alleged incident or any particulars of incident, happened with them. Moreover, as per the contents of the FIR the defacto complainant and her daughter were assaulted by the accused persons. However, this Court finds not a single piece of proof in support of claim of any grievous hurt as alleged therein. Thus, the prosecution has not been able to fix liability upon the accused beyond reasonable doubt. Moreover, facts of offence as stated in the FIR appears to be of vague nature which cannot in any way be held as infliction of assault in absence of any allegation of specific nature or tentative time or period during which a person is treated as such.

Thus there appears to be gross discrepancy between the allegations levelled in the FIR and the oral testimonies of all the witness. Thus, there is nothing on record to prove even the contents of the complaint petition. Besides, mere allegation of physical assault without any insight into the details of the same is not adequate to hold the accused persons liable of the offence alleged against them.

Thus there is no sufficient ground to prove the allegation against the accused persons. The prosecution has failed to produce any further cogent and trustworthy witness who may have even proved any criminality.

In the instant case, upon analysis of the materials on record taking into consideration the factum of absence of any substantial evidence corroborating the case for the prosecution, it appears that, there is no probability of the case ending in conviction.

In the case of **Satish Mehra vs. Delhi Administration & Anrs** , 1996(9) SCC 766, the **Hon'ble Supreme Court** held that “ *in case where there is no prospect of the case ending in conviction, the valuable time of the court should not be wasted for holding a trial for the purpose of formally completing the procedure to pronounce the conclusion on the future date*” .

In this case, the de facto complainant i.e. the victim has himself admitted during cross-examination that the dispute between them and the accused persons has been amicably resolved and that is why he does not have any allegation against the accused persons at present. In the case of **Ram Lal vs. State of J&K** (1999(2) SCC 213), the **Hon'ble Supreme Court** had observed that “ *when as offence is declared non-compoundable by law, it cannot be compounded even with the permission of the Court. However, the Court may take the compromise into account while delivering judgment. In this case, the parties are relatives of one another and they have amicably resolved their dispute.*”

PW1, i.e. the defacto complainant has stated that he or his daughter did not receive any injury due to the alleged incident. In this context of grossly erroneous testimony adduced by one of the most significant witnesses for the prosecution, the observation by the Hon'ble Supreme Court in the case of ***State of Rajasthan v. Smt. Kalki and Another; (1981) 2 SCC 752***, needs to be mentioned, wherein it was observed that “*in the deposition of witnesses there are always normal discrepancies due to normal errors of observation, loss of memory, mental disposition of the witnesses and the like. Unless, therefore, the discrepancies are —material discrepancies so as to create a reasonable doubt about the credibility of the witnesses, the Court will not discard the evidence of the witnesses*”.

The witness did not utter a single word about the incident that whether the accused persons had caused hurt to the defacto complainant and her daughter and nor had attempted to outrage the female modesty of the daughter of defacto complainant, wherefrom it appears that prosecution has failed to establish that the accused persons had committed any offence either u/s.341 IPC or section 323 IPC or section 325 IPC or section 354A IPC. After perusal of the written complaint it appears before the Court that the de facto complainant has failed to state such incident wherefrom it can be presumed that the accused persons had ever tried to outrage the modesty of the daughter of the complainant in any means.

Thus in view of the above discussion, there is no sufficient ground to prove the allegations against the accused persons as no evidence could be brought before this Court by the Prosecution regarding the alleged incident. The ingredients of the offence punishable under section 341/323/325/354A/34 of I.P.C is not established by any credible evidence. In such circumstances, this court has no other way but to hold the accused persons innocent and accordingly acquit the accused persons from the accusation of this case.

Hence, it is,

### **ORDERED**

that the accused persons namely Sumangal Dutta and Santanu Dutta are found not guilty of the offence punishable under Sections 341/323/325/354A/34 of the Indian Penal Code and they are hereby acquitted from the instant case u/s 248 (1) of Cr. P.C.

The bail bond of the above mentioned accused persons shall remain in force for a period of 06 (six) months from the date of this Judgment as per the provision of section 437A of Cr.P.C.

The record shows that nothing was seized in this case.

Victim has a right to prefer an appeal against this judgment under section 372 CrPC, if necessary they may avail free legal aid from the appropriate legal services authority to institute and prosecute such appeal.

In compliance to the solemn order dated 29.3.22 passed by the Hon'ble Division Bench in CRA 266 of 2020 with CRA 01 of 2020 (Sabitri Bhunya Vs The State of West Bengal and others).

Let a copy of this judgment be sent to District Magistrate, Nadia and SDLSA, Ranaghat, Nadia for due intimation to the victim as defined under section 2 (wa) of the Code of Criminal Procedure.

The case is disposed of on contest.

Note in Trial Register as well as in Case Information System.

Dictated & Corrected by me.

Sd/-  
(Shakib Akhtar)  
Judicial Magistrate 2<sup>nd</sup> Court,  
Ranaghat, Nadia

Sd/-  
(Shakib Akhtar)  
Judicial Magistrate 2<sup>nd</sup> Court,  
Ranaghat, Nadia  
JO Code- WB01522