

G.R CASE NO: 1399 of 2018 (C.I.S Regn. No: G.R Case No.- 1399/2018)

C.N.R No. WBND13-004430-2018

JO CODE: WB01126

1

FORM No. (M) 34

Form A

<u>IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RANAGHAT, NADIA.</u>	
Present: Shri Soumyajit Bhattacharjee (W.B.J.S), A.C.J.M, Ranaghat, Nadia.	
J.O CODE:- WB01126	
[Date of the Judgment: 27th Day of July, 2026 (Monday)]	
<u>Case No.</u> G.R Case No. 1399 of 2018 T.R No. 430 of 2023	
(C.I.S Regn. No: G.R Case No: 1399 of 2018)	
(C.N.R NO:WBND13-004430-2018)	
(Details of FIR/Crime and Police Station: Santipur P.S Case no. 319/2018, Dt. 07-08-2018 U/Sec 341/326 of the Indian Penal Code here-in-after referred to as “I.P.C”.)	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Sri. Pradip Pramanik, Ld. A.P.P
ACCUSED	1. <u>Tufan Sk. (A1)</u>, S/O Late Bata Sk., Resident of:- Gopalpur Muslimpara, P.S- Santipur, Nadia.
REPRESENTED BY	T. Biswas, Ld. Defence Counsel.

FORM No. (M) 35

Form B

Date of Offence	06-08-2018
Date of FIR	07-08-2018
Date of Chargesheet	27-08-2018
Date of framing of Charges	22-04-2025
Date of Commencement of Evidence	01-07-2026
Date on which Judgment is reserved	DOES NOT ARISE
Date of the Judgment	27 th day of July, 2026.
Date of the Sentencing Order, if any	DOES NOT ARISE.

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
A1.	Tufan Sk.	08-08-2018	28-08-2018; released on bail from this Court.	341/326 of I.P.C.	Acquitted	N.A	NIL

FORM No. (M) 36

Form C

LISTS OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution

Rank	Name	Nature of Evidence (Eye-witness, police witness, expert witness, medical witness, panch witness, other witness)
P.W 1	Rijiya Bibi	Defacto-Complainant.
P.W 2	Bapi Sk.	Injured.

B. Defence:- No witness in support of defence has been produced.

C. Court:- No Court witness has been summoned.

LIST OF PROSECUTION EXHIBITS

A. Prosecution:-

No document has been furnished on behalf of the prosecution, in support of the case.

B. Defence:- No document has been furnished on behalf of the accused persons, in support of his defence.

C. Court:- No documents has been marked as Exhibit by Court.

D. Material Object:- No material object has been produced as evidence.

J U D G M E N T

PROSECUTION CASE IN LACONIC:-

1. The factual matrix of the prosecution case is that on 07-08-2018 one written complaint was lodged by one Rijiya Bibi against the above-named accused to the effect that on 06-08-2018 at about 15.30 hours, the above-named accused assaulted the son of the defacto-complainant with sharp weapon on his nose, resulting to which he sustained bleeding injuries on his person and treated at Santipur SD Hospital. On the basis of such written complaint, the instant criminal case has been initiated against the above-named accused. After completion of investigation, the I.O has submitted the Charge-sheet U/Sec 341/326 of the I.P.C against the aforesaid accused and the instant case record was kept under the personal file of this Court for trial and disposal. Accordingly, the charge was framed against the above-named accused u/s- 341/326 of I.P.C and the accused pleaded his innocence and claimed to be tried. Hence, this case has entered into trial.

Examination of the accused U/S- 313 of Cr.P.C

2. After completion of the prosecution evidences, the accused has been examined u/s-313 of the Code of Criminal Procedure (here-in-after referred to as “Cr.P.C”), wherefrom it appears that there is no specific defence case and he had pleaded his innocence and refused to adduce any evidence from his part.

3. POINTS FOR CONSIDERATION

(a) Whether the prosecution has been able to prove its case against the above-named accused under Section- 341/326 of I.P.C, beyond the shadow of all reasonable doubts ?

(b) If the accused is held guilty, then what would be the quantum of punishment in this case?

ARGUMENT MADE BY THE PROSECUTION

4. During the course of argument, Ld. A.P.P rests the case upon the wisdom and the sense of judgment of this Court.

ARGUMENT MADE BY THE Ld. DEFENCE COUNSEL

5. On the contrary, Ld. Defence Counsel during his argument highlighted that none of the prosecution witnesses have casted anything in this case wherefrom the offence under charge against the accused persons can be proved beyond all reasonable doubt. Lastly, Ld. Defence Counsel argued before this Court that the prosecution has miserably failed to prove its case for non-producing any convincing evidence against the accused persons and as such, Ld. Defence Counsel prayed for acquittal in favour of the accused persons from this case.

DECISION WITH REASONS

6. Since, both the points are so intricately interwoven with each other that to discuss each of them separately will entail repetition of similar facts and evidence, hence both the points are taken up together for the sake of brevity and convenience of discussion after juxtaposing them both in law and in fact so as to unravel them and also for delineation and analysis for coming to a reasonable culmination.

FINDINGS OF THIS COURT AFTER EVIDENCE SCANNING:-

7. During the process of scanning and analysing the evidence, **firstly**, it appears on record, that none of the ingredients of the alleged section under charge has been established by the prosecution evidence. **Secondly**, whatever evidence has come up before this Court that does not prove the guilt of the accused beyond the shadow of all reasonable doubt. **Thirdly**, the most vital witnesses i.e., the defacto-complainant and the injured (P.W1 & P.W2) have miserably failed to corroborate the prosecution case. **Finally**, it is not out of place to mention here that no such facts have been established from the prosecution evidences which becomes consistent only with the guilt and inconsistent with innocence of the accused persons.

8. On the basis of above observations and findings, this Court has no hesitation to come to a definite conclusion that due to lack of substantial piece of evidence and in absence of the basic ingredients in order to constitute the alleged offences under charge, the guilt of the accused persons has not been proved beyond the shadow of all reasonable doubts and as such, the aforesaid accused persons deserve acquittal and hereby acquitted accordingly.

9. Hence, it is

ORDERED

that the accused namely **1. Tufan Sk. (A1) is found not guilty** of the offence punishable under section— 341/326 of I.P.C and accordingly, **the above-named accused is hereby acquitted** under section 248 (1) of Cr.P.C from this case.

10. In view of Sec. 437-A Cr.P.C. the accused having presented a petition to permit him to remain on the terms and conditions of the previous bail bonds, the prayer is allowed. He is permitted to remain on self same bond for the next six months with direction upon him to appear before the Appellate Court as and when any appeal is filed against this judgment within such period.

11. Seized articles, if any, be disposed off, as per law after the appeal period is over.

12. In compliance with the direction of the Hon'ble High Court in Sabitri Bhunya— Vs--The State of West Bengal and Others in CRA 266 of 2020 (decision on 29-03-2022), it is hereby endorsed by this Court that the victim has the right to prefer an

G.R CASE NO: 1399 of 2018 (C.I.S Regn. No: G.R Case No.- 1399/2018)

C.N.R No. WBND13-004430-2018

JO CODE: WB01126

6

appeal under proviso to Section 372 of Cr.P.C and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

13. Let a copy of this judgment of acquittal be forwarded to the District Magistrate, Nadia and District Legal Services Authority, Nadia for due intimation to the victim in compliance with the aforesaid direction of the Hon'ble High Court.

14. The Judgment is pronounced and delivered in the Open Court on this 27th day of July, 2026.

15. D/A is directed to upload the softcopy of this judgment in "C.I.S" at once, so as to enable the parties and the Ld. Counsels to access the same from the official website of e-Courts project and necessary noting be made in the relevant register accordingly.

Typed, printed & corrected by me,
Sd/- Soumyajit Bhattacharjee

Sd/- Soumyajit Bhattacharjee

A.C.J.M,
Ranaghat, Nadia.
JO CODE:WB01126

Additional Chief Judicial Magistrate,
Ranaghat, Nadia.
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