

**In The Court of The Judicial Magistrate at Bidhannagar
District -North 24 Parganas**

Present: Nishan Mazumdar
Judicial Magistrate,
Bidhannagar, District- North 24 Parganas

GR case no. 281/2020

CIS registration no. 86/2021

CNR No. WBNP05-000373-2021

State of West Bengal

.....Complainant

Vs.

1) Dipu Halder

2) Moni Halder

3) Bidesh Halder

.....Accused persons

Under Section:- 341/323/506/34 of Indian Penal Code, 1860.

Date of delivery of Judgment:- 14.07.2026

JUDGMENT

The instant case is under sections 341/323/506/34 of Indian Penal Code. This case was initiated on the basis of the written complaint lodged by the de-facto complainants Aswini Pandit on 20.04.2020.

In nutshell, the case of the prosecution as transpires from the written complaint of the de-facto complainants is that on 20.04.2020 at about 10.35 hrs. someone parked motorbike in front of the door of the residence of the de-facto complainant. Then, the de-facto and his wife started to discuss about this matter and that time Moni Halder used slung languages addressing to them. The de-facto complainant and his wife raised objection for it and after that the husband and son of said Moni Halder namely Dipu Halder and Bidesh Halder started to assault them. The victims were treated at Bidhannagar Sub-divisional Hospital.

Then in this respect de-facto complainant lodged complaint at Bidhannagar North PS and Bidhannagar North PS case no.69/2015 dated 20.04.2020 has been registered and charge sheet has been filed after inquiry being charge sheet no.86 dated 30.06.2020 u/s. 341/323/506/34 of Indian Penal Code against the accused persons namely Dipu Halder, Moni Halder and Bidesh Halder.

The accused persons facing the trial, were examined as per the provisions of Section 251 of Criminal Procedure Code and the substance of the acquisition with allegations u/s 341/323/506/34 of I.P.C was read over and explained to the accused persons to which every accused person pleaded not guilty by saying 'ami nirdosh' and claimed to be tried.

Evidence on Record

At the time of submission of the charge sheet there were as many as five witnesses were cited on part of the prosecution in order to establish the case. But during the trial the prosecution adduced only the de-facto complainant Aswini Pandit.

PW-1, Aswini Pandit : During the deposition of de-facto complainant as PW-1 he stated that the alleged incident took place in the year 2020 when at 10 am he was going to his house for tiffin, near his house the accused Moni Halder was quarreling with the wife of the de-facto complainant. That time said Moni Halder pulled the wife of the de-facto near the tap on the road side and the accused persons assaulted her. The accused persons also assaulted the de-facto complainant when she tried to rescue his wife. After that incident the de-facto complainant and his wife went to Bidhannagar sub-divisional hospital for treatment, but the hospital authority refused to treat them and advise to give intimation about this incident first to the local PS authority. Then they went to the police station and lodged complaint. The PW-1 identified his signature over the FIR and stated that he has no knowledge about the content of the FIR. The PW-1 identified all the accused persons within the Court room during his deposition.

During cross-examination of PW-1 he stated that he is an illiterate person and he is working as a sweeper at Poursabha having duty hours from 7 am to 2 pm and the tiffin time is to 10 am to 11 am. The PW-1 has no document to show that he is residing at the residence as mentioned in the FIR. There re 20-22 houses in their locality having good terms with PW-1. At the time of the alleged incident, there were 10-12 persons who were present at the spot. Police never interrogated him after lodging complaint. The complaint was written by an agent of the local counselor, but the PW-1 could not recollect the name of the scribe. There is no document with PW-1 to establish that he was treated at hospital for the alleged incident. The wife of PW-1 remains presence within the Court room during deposition of PW-1.

Documents Exhibited.

Exhibit-1 : Signature of PW-1 over the FIR.

Examination of the accused persons u/s. 313 of CrPC

The accused persons were examined as per provisions of Section 313 of criminal procedure code and they denied all the contents and on being asked to the accused persons as to whether they are willing to adduce any evidence on their part, on that the accused persons submitted not to adduce any evidence on their part and accordingly no witness was examined and nothing is exhibited on part of the accused persons in this case.

Points for Determination

1. Are the accused persons guilty of offences u/s. 341/323/506/34 of I.P.C ?
2. Whether the prosecution is able to prove its case beyond reasonable doubt?

Decision with reasons.

I heard learned A.P.P. for the State.

I heard learned advocate for the accused persons.

I perused the oral and documentary evidences and other materials available on the record.

It is required to be proved to bring allegations under sections 341/323/506/34 of I.P.C that the accused persons with common intention wrongfully restrained any person, assaulted any person and made criminal intimidation.

Here in this case, the de-facto complainant raised allegation against the accused persons that the accused persons assaulted the de-facto complainant and his wife and uttered filthy languages after pulling the wife of de-facto complainant near road side tap.

No injury report of the victim found : The allegations has been made that the de-facto complainant and his wife were assaulted by the accused persons. But no injury report has been executed in this respect by the prosecution. Only from the evidence of de-facto complainant, the incident of assault came out.

Absence of local witnesses : It has been found from the deposition of PW-1 that he and his wife were assaulted by the accused persons and that time, 10-12 local persons were present at the spot. The PW-1 has good terms with local residents. But prosecution has failed to adduce any corroborative evidence in this respect.

De-facto complainant has no knowledge about the content of the FIR : The de-facto complainant as PW-1 has admitted that he is an illiterate person and he has no knowledge about the content of the FIR and the scribe is unknown to him. The de-facto complainant is not aware about the content of the FIR and this case has been proceed on the basis of the FIR. The prosecution has failed to evidence of the scribe of the FIR. Thus, the FIR has lost its' evidential value.

Thus, from the above made discussions, it has been found that the prosecution has failed to establish the allegations against the accused persons. As a result, this Court is of the view that the accused persons are entitled to be acquitted from this case.

Hence, it is

ORDERED

that the accused persons namely **Dipu Halder, Moni Halder and Bidesh Halder** are found not guilty of committing any offence, punishable under sections 341/323/506/34 of Indian Penal Code. The accused persons are acquitted from this case as per provisions of

section 255(1) of criminal procedure code and the accused persons are discharged from their respective bail bonds.

Any alat, seized in connection of this case be disposed of as per the provision of law after endorsing the name of the receiver of the alat.

Typed and corrected by me.

Judicial Magistrate,
Bidhannagar, North 24 Parganas

Judicial Magistrate,
Bidhannagar, North 24 Parganas
JO Code-WB01296