

Form No. (M) 34.¹

Form-A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
Bidhannagar, North 24-Parganas
(Presided Over by ABHIJEET PAKHRIN)
(J.O. Code – WB01220)
G.R. Case No. 693 of 2016
(C.I.S. Registration No. 646 of 2017)
CNR: WBNP05-004198-2017
(Arising out of Lake Town P.S. Case No.145/2016 dated 15-08-2016 U/S. 326 of IPC)

Complainant	State of West Bengal
Represented by	APP
Accused person	Naru Gopal Kar
Represented by	Ld. Advocate

Form-B

Date of Offence	04-08-2016
Date of FIR	15-08-2016
Date of Charge-sheet	24-10-2016
Date of Charge/plea	05-12-2017
Date of commencement of Evidence	24-01-2024
Date on which Judgement is reserved	Nil
Date of the Judgement	11-06-2026
Date of the Sentencing Order, if any	NA

Accused details:

Ra nk of the Acc use d	Name of Accused	Date of arrest	Date of release on Bail	Offences charged with	Wheth er acquitt ed or convict ed	Sente nce impos ed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1.	Naru Gopal Kar	Surrendered Before Trial Court	05-10-2016	<u>U/s. 326 of IPC</u>	Acquitted		

Form-C

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
P.W.-1	Kalpana Bera	Other Witness
P.W.-2	Saraswati Das	Other Witness
P.W.-3	Debabrata Pandey	Police Witness

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr.	Exhibit Number	Description
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1 As per the amendment made in the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985 vide Notification No. 2301-G dated 14th July, 2022

No.		
1.	Exbt.-1/PW-3	The receiving endorsement
2.	Exbt.-2/PW-3	The formal FIR

JUDGEMENT

Antecedents

1. The prosecution case in brief is that the present case was started on the basis of a written complaint dated 15.08.2016 by the *de-facto* complainant namely Tarak Karmakar alleging that on 04.08.2016 at about 22:30 hrs while wife of the complainant was returning to her resident by closing her shop at the time suddenly the accused person driving one OLA taxi dashed his wife by and as a result his wife received serious injury and she was brought to hospital afterwards due to serious condition. She admitted to hospital. Hence, this case.

The Sequent

2. After receiving the said written complaint, Lake Town P.S Case no.145/2016 dated 15-08-2016 u/s.326 of the I.P.C was started against the FIR named accused person. The case was investigated by SI of Police and after investigation the I/O submitted Charge Sheet against the accused person being C/S no.213/16 dated 24-10-2016 u/s. 326 of the I.P.C before Ld. A.C.J.M. Hence this case for trial and disposal.

Charge

3. Charge was framed against the accused person u/s 326 of the I.P.C on 05.12.2017. The said contents of the charge was read over and explained to the accused person in Bengali and he was asked whether he pleaded guilty or not. The accused person pleaded not guilty by saying individually “Ami Nirdosh” and claimed to be tried. Hence, trial started.

Evidence on Record

4. In order to prove the case of the prosecution, three witnesses were examined namely Kalpana Bera, Saraswati Das and Debabrata Pandey deposed as P.W-1, 2 & 3.

Exhibited Documents

5. The receiving endorsement and formal FIR are marked as Exhibits-1 & 2, respectively.

Examination of the Accused Person U/s 313 of Cr.P.C

6. The above referred accused person was examined u/s 313 of CrPc on 11-06-2026. The accused person denied all the material allegations brought forth by the prosecution and declined to produce any evidences in his favour.

Points for Determination

7. Whether the prosecution has been able to prove the offences u/s. 326 of the I.P.C against the accused person beyond the shadow of all reasonable doubt?

8. Whether the accused person is guilty of the offence punishable u/s 326 of the I.P.C?

Decision with Reasons

9. Both the points are taken up together for discussion for the sake of convenience as they are related to each other.

10. At the time of argument Ld. Advocate for the accused person and Ld APP, categorically stated and made their respective points in regard to their own case.

11. Before delving into the merits of the evidences and the arguments advanced from the respective sides it is important to see as to what actually underlines the offence under section 326 of the I.P.C and its punishments thereof. The following Sections enumerate the offence and its punishments which read as;

12. “S.326. Voluntarily causing grievous hurt by dangerous weapons or means.—Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

13. Now that the ingredients constituting Section 326 of the I.P.C has been enumerated, it is necessary to see how far the prosecution has established its case against the F.I.R named accused person. On scanning the evidence on record to determine whether the allegations levelled against the accused person has been proved by the prosecution beyond the shadows of reasonable doubt or not?

14. The prosecution in order to prove the guilt of the accused person for alleged offence of extortion as envisaged in Section 326 of the I.P.C, had cited six witness, however, the prosecution could only be able to garner evidence of one witness being the defacto complainant.

15. From the deposition of the P.W-1, P.W-2 and P.W-3 being the independent witnesses and the R.O of this case, it is evident that the witnesses had no idea about the incident. The R.O had no personal knowledge about the incident and that he had prepared the formal FIR.

Analysis of the Evidence

16. From the evidences put forth, the crux and the entire premise of the prosecution’s case has not at all been established, nothing had been seized and produced. No medical documents of the victim were also produced or exhibited and no materials have been garnered so as to show even slightest involvement and guilt of the accused person in this case.

Conclusion

17. In the end the criteria has not been fulfilled by the Prosecution in order to prove the guilt of the accused person for the alleged offence stipulated under section 326 of I.P.C and after analysing the above, it leaves this court with a very microscopic space to hold the FIR and the complaint of the complainant to be true and a leviathan task to hold the accused person guilty of the alleged offence stipulated under section 326 of I.P.C. beyond the shadows of all reasonable doubts and accordingly this court thinks fit to acquit the accused person from the allegation and for the offence charged with.

Hence, it is,

ORDERED

that the accused person namely Naru Gopal Kar is found not guilty of the offences punishable u/s. 326 of the I.P.C and he is hereby acquitted u/s 248(1) of the Cr.P.C.

The accused person as well as their sureties are hereby discharged from their respective bail bond liabilities.

Dictated and Corrected

ABHIJEET PAKHRIN
ACJM., Bidhannagar

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