

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. 1257 of 2021
(C.I.S. Registration No. 666 of 2024)
CNR: WBNP05-004421-2024
(Arising out of BDN(S) P.S. Case No.278/2021 dated 14-10-2021 U/S.
341/323/325/354/506/509/34 of IPC)

Complainant	State of West Bengal
Represented by	APP
Accused persons	Joydeep Roy @ Joy, Tapas Gayen @ Pappu, Sanjay Das @ Banti, Sukdeb Das @ Mejo, Raju MondaL, amit Sardar @ Gullu and Swapan Halder
Represented by	Ld. Advocates

Form-B

Date of Offence	14-10-2021
Date of FIR	14-10-2021
Date of Charge-sheet	28-01-2022
Date of Charge/plea	02-09-2025
Date of commencement of Evidence	30-04-2026
Date on which Judgement is reserved	Nil
Date of the Judgement	05-06-2026
Date of the Sentencing Order, if any	NA

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.
1.	Joydeep Roy @ Joy, Tapas Gayen @ Pappu, Sanjay Das @ Banti, Sukdeb Das @ Mejo, Raju MondaL, amit Sardar @ Gullu and Swapan	Surrendered Before Trial Court	21-10-2021	U/s. 341/323/325/354/506/509/34 of IPC	Acquitted		

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

	Halder						
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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	Palan Das	Complainant
P.W.-2	Tuka Das	Other Witness

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Nil	Nil

JUDGEMENT

Antecedents

1. The prosecution case in brief is that the present case was started on the basis of a written complaint dated 14.10.2021 filed by the *de-facto* complainant namely Palan Das alleging that on the said date at about 02:00 hours while the complainant was returning home after seeing Idols, on the way near 4 no. Bheri, water lab, somiti bheri of Sukantanagar, the accused persons assaulted and threatened him with dire consequences by using abusive languages and as a result he received bleeding injuries on his persons. They also misbehaved with his sister while she tried to rescue him from their clutch. Hence, this case.

The Sequent

2. After receiving the said written complaint, BDN(S) P.S Case no.278/2021 dated 14-10-2021 u/s.341/323/325/354/506/509/34 of the I.P.C was started against the FIR named accused persons. The case was investigated by SI of Police and after investigation the I/O submitted Charge Sheet against the accused persons being C/S no.06/2022 dated 28-01-2022 u/s. 341/323/325/354/506/509/34 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 persons u/s 341/323/325/354/506/509/34 of the I.P.C on 04.01.2018. The said contents of the charge was read over and explained to the accused persons in Bengali and they were asked whether he pleaded guilty or not. The accused persons 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, two witnesses were examined, being, Palan Das, the complainant deposed as P.W-1, another Tuka Das deposed as P.W-2.

Exhibited Documents

5. No document was marked as Exhibit.

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

6. The above referred accused persons were examined u/s 313 of CrPc on 02-06-2026. The accused persons 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. 341/323/325/354/506/509/34 of the I.P.C against the accused persons beyond the shadow of all reasonable doubt?

8. Whether the accused persons are guilty of the offence punishable u/s 341/323/325/354/506/509/34 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 persons 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 341/323/325/354/506/509/34 of the I.P.C and its punishments thereof. The following Sections enumerate the offence and its punishments which read as;

S.341. Punishment for wrongful restraint.—Whoever wrongfully restrains any persons shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

S.323. Punishment for voluntarily causing hurt.—Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

S.325. Punishment for voluntarily causing grievous hurt.—Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

S.354. Assault or criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will there by outrage her modesty, 1[shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine].

S.506. Punishment for criminal intimidation.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

S.509. Word, gesture or act intended to insult the modesty of a woman.—Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, 2[shall be punished with simple imprisonment for a term which may extend to three years, and also with fine].

12. Now that the ingredients constituting Section 341/323/325/354/506/509/34 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 persons. On scanning the evidence on record to determine whether the allegations levelled against the accused persons have been proved by the prosecution beyond the shadows of reasonable doubt or not?

13. The prosecution in order to prove the guilt of the accused persons for alleged offence of extortion as envisaged in Section 341/323/325/354/506/509/34 of the I.P.C, had cited three witnesses being the complainant, his wife and mother.

14. From the deposition of the P.W-1 being the defacto complainant of this case, it is evident that she could not recollect the incident and that there was some trouble with the accused persons and that she filed this case out of misunderstanding. She also deposed that she was deposing voluntarily and further stated that she would not prefer for any further witness in this case.

Analysis of the Evidence

15. From the evidences put forth, the crux and the entire premise of the prosecution's case has not at all been established, nothing has been seized nor any materials have been garnered so as to show even slightest involvement and guilt of the accused persons in this case. No medical documents or any other documents were marked as exhibits to show even slightly that the victim of this case was indeed injured and was treated at the concerned hospital.

Conclusion

16. In the end the criteria has not been fulfilled by the Prosecution in order to prove the guilt of the accused persons for the alleged offence stipulated under section 341/323/325/354/506/509/34 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 persons guilty of the alleged offence stipulated under section 341/323/325/354/506/509/34 of I.P.C. beyond the shadows of all reasonable doubts and accordingly this court thinks fit to acquit the accused persons from the allegation and for the offence charged with.

Hence, it is,

ORDERED

that the accused persons namely Joydeep Roy @ Joy, Tapas Gayen @ Pappu, Sanjay Das @ Banti, Sukdeb Das @ Mejo, Raju Mondal, amit Sardar @ Gullu and Swapan Halder are found not guilty of the offences punishable u/s. 341/323/325/354/506/509/34 of the I.P.C and they are hereby acquitted u/s 248(1) of the Cr.P.C.

The accused persons 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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ACJM., Bidhannagar, North 24-Pgs