

**SC 35 of 2020**

**Form A**

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS  
JUDGE, FAST TRACK 2ND COURT, BANGAON,  
NORTH 24 PARGANAS

Present :- Sri Mrityunjay Karmakar (**WB00917**)  
Additional District & Sessions Judge, Fast Track 2<sup>nd</sup> Court,  
Bangaon, North 24 Parganas.

[Date of the Judgement]

**19.03.2026**

[Case No. Bangaon P.S Case No. 85 dated 08.02.2019]

Details of FIR/Crime and Police Station

**Sessions Case No. 35 of 2020**

CNR-WBNP06-000291-2020

G.R. No. 209 of 2019

Ref: Bangaon P.S Case No. 85 dated 08.02.2019

U/s. 341/326/307 of IPC

Complainant	STATE OF WEST BENGAL
REPRESENTED BY	P.P-in-charge– Mr. Rabindranath Roy
ACCUSED	1. <b>Roni Adhikary</b> (A1) S/o Sunil Adhikary of Village- Gandhipally, P.S. Bangaon, North 24 Parganas.
REPRESENTED BY	Mr. Susanta Biswas

**Form B**

Date of Offence	08.02.2019
Date of FIR	08.02.2019
Date of Charge sheet	28.02.2019
Date of Framing of Charges	03.09.2022
Date of commencement of Evidence	06.02.2026
Date on which Judgment is reserved	Nil

**SC 35 of 2020**

Date of the Judgment	19.03.2026
Date of Sentencing Order, if any	Nil

Rank of the Accused	Name of the Accused	Date of arrest	Date of R/B	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
A1	Roni Adhikary	10.02.2019	22.02.2019	341/326/307 of IPC	Acquitted	N/A	N/A

**Accused details:**

Form C

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Rakhi Sarkar	De facto complainant
PW 2	Prabir Das	Formal witness
PW3	Champa Sarkar	Formal Witness
PW4	Tarak Sarkar	Injured/victim

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
DW 1	Nil	Nil

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
CW 1	Nil	Nil

**SC 35 of 2020**

**LIST OF PROSECUTION / DEFENCE/ COURT EXHIBITS**

**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit-P1/ PW1	Written complaint
2	Exhibit-P1/1/PW1	Signature of PW1 on the written complaint

**B. Defence:**

Sr. No.	Exhibit Number	Description
1	Nil	Nil

**C. Court Exhibits:**

Sr. No.	Exhibit Number	Description
1	Nil	Nil

**D. Material Objects:**

Sr. No.	Material Object No.	Description
1	NIL	NIL

**JUDGEMENT**

1. The instant case has been arisen on the basis of written complaint filed by one Rakhi Sarkar, W/o Tarak Sarkar of Majherpara, P.O. & P.S. Bangaon, North 24 Parganas before the I.C. Bangaon P.S. with the allegation and contention that her husband used to sell Phuchka at New Market, Bangaon. On 08.02.2019 at about 04:00 p.m. accused Roni Adhikary went to the Phuchka shop of her husband and after eating Phuchka he denied to pay the actual amount and for that reason an altercation took place and at that time he left

## SC 35 of 2020

that place. After one hour the accused person again came to the said *phuchka* shop with a Daa. Being frightened her husband ran away and took shelter in a garage and after reaching the said garage accused Roni assaulted her husband with the said Daa at his head and shoulder. Due to such assault her husband sustained cut and bleeding injury. After reaching the local people said accused fled away from the said spot and the said local people rescued her husband and took him to Bangaon hospital. Five stitches were administered on the head of her husband. Hence the case.

2. On the basis of said written complaint, Bangaon P.S. Case No. 85 dated 08.02.2019 U/s. 341/326/307 of IPC was started against the above noted accused person and on completion of investigation charge sheet No.131 dated 28.02.2019 U/s. 341/326/307 of IPC was submitted against the above stated accused person.

3. Cognizance was taken and copy was supplied to the accused person and as the case is triable by Sessions Judge, Ld. ACJM, Bongaon committed the case record to the Court of Ld. Additional Sessions Judge, 1<sup>st</sup> Court, Bangaon, North 24 Parganas and it was registered as Sessions Case No. 35 of 2020. Ld. Additional Sessions Judge, 1<sup>st</sup> Court, Bangaon, North 24 Parganas transferred the case record to this court for disposal on 11.02.2020 and this court received the case record on 14.02.2020.

4. On receipt of the record and after appearance of the accused person facing trial in this case, the charge was framed against the accused person on 03.09.2022 U/s. 341/326/307 of IPC. The contents of the charge were read over and explained to the accused person to which he pleads not guilty by saying '**ami nirdosh**' and claims to be tried and faced the trial remaining on court bail.

## SC 35 of 2020

5. The defence case, as it transpires from the trends of cross examination of the prosecution witnesses, is that of innocence and denial of the prosecution case. The accused person further pleaded 'not guilty' while he was examined u/s. 313 of CrPC and declined to adduce any defence witness in support of his innocence.

### **Point for Decision**

6. Whether the prosecution has been able to prove the case against the accused person as alleged or not.

### **Decision with reasons**

7. In order to bring home the guilt of the accused person the prosecution examined as many as four witnesses in total and some documents were marked as Exhibits.

8. PW1 is the de facto complainant of this case. She stated in her evidence that she filed the case against the accused Roni Adhikary. She proved the written complaint submitted by her as Ext.-P1 and her signature thereon as Ext.-P1/1. She also stated that her husband suffered injury and got admitted at hospital, but he cannot say as to who assaulted and why her husband got injured. She submitted complaint as per instruction of her neighbour. Now she has no allegation against the accused person.

9. PW2 stated in his evidence that the de facto complainant and her husband were known to him. He also knows accused Roni. He heard that accused Roni assaulted the husband of de facto complainant. He was not present at the spot. He also heard that regarding *futchka* dispute the incident occurred.

10. PW3 stated in her evidence that the de facto complainant, her husband and the accused persons are known to her. She saw Tarak in injured condition but he did not see the alleged incident. He cannot

## SC 35 of 2020

say for which the incident took place.

11. PW4 is the injured/victim of this case. He stated in his evidence that his wife filed this case against accused Roni. He was injured in the said incident and admitted at hospital but he cannot remember as to how he got injury in the said incident.

12. I have heard argument at length on behalf of the prosecution and the accused person, perused the evidence and materials on record and the exhibited documents.

11. Learned public prosecutor in his argument enlightened me the facts and circumstances of the prosecution case in details. He has also taken me through all the evidence on record. He submitted that PW1 stated in his evidence that her husband got injury and admitted at hospital and PW2 stated that he heard accused assaulted the victim Tarak over the dispute of selling *fuchka*. PW1 specifically mentioned in the written complaint that accused Roni assaulted his husband with Daa and the said written complaint has duly proved by PW1 and the same has been marked as Ext.-P1. The other witnesses did not specifically how the victim Tarak sustained injury but they stated that one incident occurred and Tarak sustained injury. Under the above circumstances Ld. PP in-charge prays for passing necessary order as per law.

12. On the contrary learned defence counsel argued that there is no evidence to prove the charge brought against the accused person. The victim himself did not state anything implicating the accused person. He specifically stated that he cannot say how he received injury. Though PW2 stated that he heard that accused Roni assaulted the husband of the de facto complainant but he did not disclose from whom he heard about the same. No injury report has been produced

### SC 35 of 2020

by the prosecution. So, there is no iota of evidence against the accused persons and the accused person is entitled to be acquitted from this case.

13. On scrutiny of the evidence of prosecution witnesses, I find that though PW1 stated in her written complaint (Ext.-P1) that an altercation took place in between her husband and the accused over the issue of price of *fuchka* but astonishingly during her evidence before this court she did not state anything implicating the accused person. She only stated that her husband sustained injury but she did not disclose how she got injury. PW2 though stated that he heard that accused Roni assaulted the victim Tarak, but he did not disclose from whom he heard about the incident. The best witness in this case is the victim Tarak who was deposed as PW4 but he did not disclose how and by whom he sustained injury. Under the above discussion I am of the view that the prosecution has totally failed to bring home the charge u/s 341/326/307 of IPC brought against the accused person and he is liable to be acquitted of this case as per provision of law.

Hence, it is,

#### **ORDERED**

14. that the accused person, namely, **Roni Adhikary** is found not guilty for commission of the offence punishable u/s. 341/326/307 of IPC. He is acquitted of this case as per provision of Section 235(1) of the Cr.P.C.

15. He is discharged from his bail bond liability and set at liberty at once.

16. The alat of this case, if any, be destroyed on expiry of statutory period of appeal.

17. Let a copy of this judgment be at once transmitted to the District Magistrate, North 24 Parganas.

**SC 35 of 2020**

**18.** In compliance with the direction of the Hon'ble Court passed in connection with CRA 266 of 2020 with CRAN 01 of 2020, let another copy of this judgment be transmitted to the Ld. Secretary, DLSA, North 24 Parganas for information and communication to the de facto complainant of her right to prefer an appeal under Section 372 of Cr.P.C. and if necessary, to avail free legal assistance through the Legal Services Authorities to prefer and prosecute such appeal.

Dictated & corrected by me,

ADJ, FTC-2, Bongaon  
North 24-Parganas.

Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court,  
Bongaon, North 24-Parganas.