



Form A

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE, 2nd FAST TRACK COURT, BONGAON, NORTH 24 PARGANAS Present : Sri Mrityunjay Karmakar, (JO Code: WB00917) Additional District & Sessions Judge, Fast Track 2nd Court, Bongaon, North 24 Pgns [Date of the Judgement] 31/07/2026 Details of FIR/Crime and Police Station CNR-WBNP-06-001413-2023 <u>Sessions Case No. 302 of 2023</u> G.R. No.33/2014 Ref: Gopalnagar P.S. C/No.10, dated 12.01.2014 U/s. 399/402 of IPC and 25/27 Arms Act	
Complainant	STATE OF WEST BENGAL
Represented by	P.P-in-charge– Sri Basudeb Datta
Accused	1. Yeasin Mondal S/o Late Surabuddin Mondal at Rasullapur, P.S. Chakdha 2. Rashul Biswas S/o. Islam Biswas Narkeldanga, P.S.- Chakdha Dist.- North 24 Parganas 3. Tota Mondal S/o.Mujibar Mondal of Beladanga, P.S. Gopalnagar, Dist. North 24 Parganas
Represented by	Ld. Advocate Sri Susanta Kr. Biswas for accused Tota Mondal. Ld. Advocate Soumya Baidya for other two accused

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Form B

Date of Offence	12/01/2014
Date of FIR	12/01/2014
Date of Charge sheet	
Date of Framing of Charges	08.12.2025
Date of commencement of Evidence	09.07.2026
Date of examination of accused U/sec.313 of Cr.P.C.	28.07.2026
Date of Argument	28.07.2027
Date on which Judgment is reserved	NA
Date of the Judgment	31/07/2026
Date of Sentencing Order, if any	NA

Accused details:

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	Yeasin Mondal (A1)	12.01. 2014	10.02. 2014	U/s. 399/402 IPC and 25/27 Arms Act	Acquitted	N/A	NA
A2	Rasul Biswas (A2)	12.01. 2014	10.02. 2014	U/s. 399/402 IPC and 25/27 Arms Act	Acquitted	N/A	NA
A3	Tota Mondal (A3)	12.01. 2014	10.02. 2014	U/s. 399/402 IPC and 25/27 Arms Act	Acquitted	N/A	NA

Form C

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW -1	Ratan Ghosh	Defecto complaint
PW -2	Prasanjit Ghosh	ASI of police

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PW-3	Rabindranath Mondal	Constable no. 135
PW-4	Gopinath Ghosh	Constable no. 686
PW-5	Saukat Ali Sarder	Eye witness
PW-6	Musa Haqua Mondal	Eye witness

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

LIST OF PROSECUTION / DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Without objection	Description
1.	Exhibit-P-1/PW1	do	Signature on the seizure list
2.	Exhibit-P-1/1 PW2	do	Signature on the seizure list
3.	Exhibit-P-1/2 PW3	do	Signature on the seizure list
4.	Exhibit-P-1/3 PW4	do	Signature on the seizure list

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

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J U D G E M E N T

1. The instant case was started by the dint of received a secret information to the effect that a few unknown miscreants had assembled at Beledanga behind primary school equipped with deadly weapons and was making preparation for committing dacoity in the nearby area. On receiving the information ASI Dipankar Bhattacharjee of Gopalnagar PS himself along with accompanied force left for Beladanga to work out the information as soon as they reached near Beladanga Primary School on foot, they found the one Maruti Car and one motor cycle were standing there and few people was sitting inside the car. They were whispering among themselves. He along with force surrounded the area and managed to apprehend the accused persons but somehow one accused managed to flee. On searched of the vehicle they seized one sword, four lathi two bottles of country sprit and eight plastic glasses. The arrested accused Tota Mondal was holding a nylon bag in which one '**Da**' was wrapped. During interrogation the accused persons confessed that they assembled under the leadership of one Khalil of Beladanga to commit dacoity at Sreepally Bazar. No document in respect of Maruti Car or motor cycle could be produced by the accused persons. So, the accused were arrested and the weapons were seized under proper seizure list and witness signed the seizure list. Thereafter the accused persons along with seized weapons were brought to Gopalnagar PS. Thereafter he submitted a written complaint before the O/C of Gopalnaga P.S. Hence this case.

2. On the basis of said written complaint, Gopalnagar P.S case no. 10 dated 12.01.2014 U/s. 399/402 of I.P.C and 25/27 Arms Act was started against the accused persons and on completion of investigation charge sheet No.544 dated 01.11.2014 U/s. U/s. 399/402 of I.P.C and 25/27 Arms Act was submitted against the above stated accused persons.

3. The Ld. Additional Chief Judicial Magistrate, Bongaon considering the sections imposed in the charge sheet, committed the case to the Court of Ld. Additional Sessions Judge, 1st Court, Bongaon with the above-named **Yeasin**

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Mondal, Rasul Biswas and Tota Mondal *vide* order dated 19.05.2023 and the copy was supplied to the accused persons as per the provision of Sec. 207, Cr.P.C.

4. After completion of all formalities, Ld. ACJM, Bongaon committed the case record to the Court of Ld. Additional Sessions Judge, 1st Court, Bongaon, North 24 Parganas and it was registered as Sessions Case No. 302 of 2023. Ld. Additional Sessions Judge, 1st Court, Bongaon, North 24 Parganas subsequently transferred the case record to this court for disposal on 27.07.2023 and this court received the case record on 08.08.2023.

5. Charge has been framed on 08.12.2025, under sections **U/s. 399/402 of I.P.C and 25/27 Arms Act** against the accused persons and contents thereof were read over and explained to the accused persons in Bengali to which they pleaded not guilty and claimed to be tried in open Court.

6. In order to bring home the guilt of the accused persons, the prosecution examined only six witnesses out of ten charge sheeted witnesses and exhibited some documents as per list of the exhibited documents.

7. Now, let us scrutinize the evidence of the prosecution witnesses.

8. P.W.-1, Ratan Ghosh has deposed in his evidence that on 12/01/2014 he was posted at Gopalnagar PS as Con-124. On that date he was on patrolling duty and was doing the duty in the night. He identified his signature in the S/L and the said signature has been marked as **Exbt. P-1**. He could not remember the incident. He also failed to identify the accused in court room. He was examined by Investigation officer about that case during investigation. Dipankar Babu O.C of the Gopalnagar P.S and Gopinath Ghosh and Prasanjeet Ghosh were in the raiding team. Constable Rabindra Mondal was also with them. They had gone for raid but he could not remember the location. In his cross-examination, he has stated that he could not remember the contents of the seizure list but it was seizure list. He also put his signature in the seizure list. There was no place or date is mentioned in the seizure list. Other witnesses were all constables. There was no local witness signed in the said seizure list. He had conducted this type

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raid in so many times. He deposed that it was not a fact that on the given date and time he had not gone to Beladanga for any kind of raid.

9. P.W.2, ASI Prasanjit Ghosh has stated that on 12/01/2014 he was posted at Gopalnagar PS as constable No.59. On that date as per the instruction of O.C of the Gopalnagar P.S. they had gone for raid at Baladanga. There they noticed a Maruti Vas and one bike were standing there. Then it was mid night. On reaching there they suspected that they were preparing for committing dacoity. Then as per the instruction of the Boro Babu of the P.S. they apprehended five persons. Search was conducted and thereafter they got one fire arms. Two alcohol bottle, one katari and one sword were recovered from the possession of the accused persons. Said Fire arm was recovered from the possession of accused Imran. All the articles were seized and the local villagers were assembled, there but they didn't sign the seizure list. So, he signed the seizure list. The witness identified the signature in the seizure list and said signature has been marked as **Exbt. P-1/1**. He identified one accused namely Tota and failed to identify the remaining accused in court. The witness was shown one fire arms but there was no signature of the witness in the said Fire-Arm. He was examined by Investigation officer about that case and he had stated the fact to him. After arrest of the accused and the seized materials the same were brought to the Police station with the accused. In his cross examination, he has stated that he could not remember the exact time when they had reached to the place of occurrence. The distance of Gopalnagar P.S to Beladanga Primary school was about 04 k.m. He could not say the prefect time when they started from the P.S and when they returned to the PS. He could not say the vehicle number of their raid vehicle. Dipankar Babu prepared the seizure list and thereafter he signed the said seizure list. Seizure list was prepared at the spot. Bellow his signature there was no date or time was noted by him. The date time of arrest in the arrest memo was mentioned as 12/01/2013 at 02.25 hrs. Normally they had to do GDE before any raid and similarly before that raid GDE NO. 436 dated 12/01/2023 was also made. Arabando Mukharjee was the I.O of this case and he examined witness about that case but he could not say the date time and place. He had

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conducted so many raids with his superior officer during his service life. He had signed in the seizure list after seizure in the raid. He could not remember the case number of GDE no. of any other seizure list in which he had signed as witness. Probably on the next date he had given his statement to the I.O. He stated that it is not a fact that seizure list was prepared at the PS and he signed as per the instruction of his superior officer. He stated that it is not a fact that they didn't go to any raid to Beladanga as he deposed above and they had not apprehended any accused with Firearms or other weapons as he deposed above. He stated that it is not a fact that accused was not arrested at the place of occurrence and they were not brought to the PS with seized weapons. He stated that it is not a fact that he had not stated correctly in court. He stated that it is not a fact that Fire Arms was not recovered from the possession of the accused persons and he had falsely implicated the accused and falsely identified the accused in court. He could not say the father's name of accused Tota Mondal.

10. P.W.-3, Constable 135 Rabindranath Mondal has deposed in his evidence that on 12/01/2014 he was posted at Gopalnagar PS as constable No.1689 but now his number is Cons No. 135. On that date as per the instruction of O/C of the Gopalnagar PS they went for raid at Baladanga. They reached there at about 02.00 a.m. There they noticed a Maruti Van. It was mid night. On reaching there on suspicion they recovered four lathi, one country made Firearms, one round cartridge from the possession of the accused persons. Thereafter the accused were arrested and the weapons were seized. Thereafter he signed the seizure list. He put his signature in the said seizure list and signature of the witness on the seizure list has been marked as **Exbt. P-1/2**. Thereafter, the accused and the seized materials were brought to the Gopalnagar PS. Total five persons were arrested in this case. Thereafter, I.O investigated the case and he has made statement before the investigation officer about this case. Accused were present in court and witness identified three accused presents in court and he can identify the remaining accused had they present in court. He could say the name of accused *Tota* but he could not remember the name of other two accused present in court. In cross-examination he deposed that the location of

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Beladanga Primary school was a dark place in the night. There was no street light on the road at that time. There were very little house around the said Beladanga Primary school. He could not remember the contents of the seizure list. After seizure the *barababu* showed him the weapons as per seizure list and thereafter he signed the seizure list. Bellow his signature there was no date or time mentioned by him. He could not say if the house of Sadeque Mondal Majaffar Mondal and Arshad Mondal and Shar Mondal was adjacent to the said primary school or not. He talked with the I.O. of this case. He could not say the date, time and place where he talked with the I.O. of this case. He talked with the I.O. next date of incident. He could not remember the Maruti Van. He could not remember the number of the vehicle by which he went to the P.O. He could not say the father's name of accused Tota. He could not say his (*Tota*) proper address. His statement was recorded by the I.O. by his hand. It was not a fact that he has deposed falsely as per the instruction of his superior officer.

11. P.W. 4 Constable no. 686 Gopinath Ghosh has stated in his evidence that on 12/01/2014 he was posted at Gopalnagar P.S. as constable No.79, but now his number is Cons No. 686. On that date as per the instruction of O/C of the Gopalnagar P.S they went for raid at Baladanga. They reached there at about 02.00 a.m. There they noticed a Maruti Van. It was mid night. On reaching on suspicion they recovered four lathi, one country made Firearms, one round cartage was recovered from the possession of the accused persons. Thereafter the accused was arrested and the weapons were seized. Thereafter he signed the seizure list. He identified his signature in the said seizure list and signature of the witness on the seizure list has been marked as **Exbt. P-1/3**. Thereafter the accused and the seized materials were brought to the Gopalnagar P.S. Total five persons were arrested in this case. Thereafter I.O. investigated the case and he has made statement before the Investigation officer about that case. Accused were present in court and witness identified three accused presents in court. He could identify if the other accused come to court. He could say the name of accused *Tota* but he could not remember the name of other two accused present in court. He deposed in his cross-examination that the location of Baledanga

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Primary school was a dark place in the night. There was no street light on the road at that time. There were very little house around the said Beladanga Primary school. He could not remember the contents of the seizure list (S/L). After seizure the *barababu* showed him the weapons as per seizure list and thereafter he has signed the S/L. Bellow his signature there was no date or time mentioned by him. He could not say if the house of Sadeque Mondal, Majaffar Mondal, Arshad Mondal and Shar Mondal were adjacent to the said primary school or not. He talked with the I.O of this case. He could not say the date, time and place where he talked with the I.O. of this case. He talked with the IO next date of incident. He could not remember the Maruti Van. He could not remember the number of the vehicle by which they went to the P.O. He could not say the father's name of accused Tota. He could say his (*Tota*) proper address. His statement was recorded by the I.O. by his hand. He denied that he has deposed falsely as per the instruction of his superior officer.

12. P.W. 5 Saukat Ali Srder has stated in his evidence that he did not know any of the accused persons were present in court. He failed to identify the accused present in court room. He has not stated anything to the police regarding the intention of the accused to prepare for committing a dacoity on 12.01.2014 along with fire Arms or other weapons. In cross examination he deposed that permanently, he is residing at Beledanga village. The said Primary School was situated in their village.

13. P.W. -6 Musahaqua Mondal has stated in his evidence that he did not know any of the accused persons in court. He identified the accused persons were present in court. They were known to him by face only. He did not know anything about the incident in that case. He has not stated nothing to the police regarding the intention of the accused to prepare for committing dacoity on 12.01.2014 along with fire arms or other weapons. In cross-examination, he deposed that he knew the accused as co-villagers and he knew Sahar Ali Mondal son of Samsuddin Mondal. He was resident of school para. He was a villager of Beladanga village.

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14. After closing of the prosecution evidence this court examined the accused persons under Section 313, Cr.P.C. and it appears from the trends of cross examination is that of innocence and denial of the prosecution case. The accused persons further pleaded 'not guilty' while they were examined u/s. 313, Cr.P.C and declined to adduce any defence witness in support of their innocence.

15. I have heard argument at length advanced by the Ld. PP in-charge and the Ld. Advocate of the accused persons and perused the materials on record and exhibited documents.

16. Learned public prosecutor in his argument enlightened this Court about the facts and circumstances of the prosecution case in details. He has also taken this court through all the evidence on record. He candidly submitted that all the seizure list witnesses have proved the fact of attempt and preparation of dacoity by the accused person in the given address on the alleged date and time. They have been arrested by Firearms and other weapons. Under the above circumstances Ld. P.P in-charge prays for passing necessary order a per law.

17. On the contrary learned defence counsel argued that there is no evidence to prove the charge brought against the accused person. The accused persons are innocent and have been falsely implicated in this case. There is no *iota* of evidence against the accused persons. Independent witness didn't support the case of the prosecution. The prosecution has completely failed to prove its case. Under the facts and circumstances of this case, it is a fit case where the accused persons should be acquitted as per provision of law.

Point for Decision

18. Whether the prosecution has been able to prove the alleged accusation in the above noted section against the accused persons or not

Decision with reasons

19. Now, this court has to see how far the prosecution has been able to prove its case against the accused persons. The charge of this case was framed against the accused person punishable under Section 399/402 of I.P.C and 25/27 Arms Act. The prosecution has to prove the guilt of the accused persons beyond all reasonable doubt that accused persons committed the alleged offence of preparation to committing dacoity.

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20. In the case in hand the prosecution adduced only six witnesses. P.W. 1, could not remember the incident and failed to identify the accused in court room. P.W. 2, PW03, PW4 are all police personal and their evidence has no value without supporting independent witness. PW5 and PW6 neutral witness didn't support the case of the prosecution. They didn't say that they have seen the police to arrest the accused and to recover the seized materials from the possession of the accused persons. **PW-1, PW-2, PW3 and PW-4** has stated differently regarding the nature of seized weapons. They also stated differently regarding the nature of weapons recovered from the possession of accused person. There is no parity as to which weapons were recovered from the possession of which accused persons. There is difference of statement regarding the place of seizure. I.O. didn't examine by the prosecution the Complainant also not come before the court for deposition. Seized materials were not produced in court for identification by the witnesses. Ther Fire arms don't bear any signature of the accused. Complaint petition has not been marked exhibited by the prosecution. The forensic report as regard the seized fire arms has not been filed and proved by the prosecution. Essential ingredients of preparation or attempt top commit dacoity has not been proved from the testimony of the witnesses. Allegation of as regard violation of Fire Arms act has not been established from the evidence of the witnesses. There is sufficient doubt regarding the seized and seizure of the weapons from the custody of the accused persons. The signature of the accused in the seizure list has not been identified or proved by the prosecution. The accused persons in my considered view that the prosecution has totally failed to prove the charge made against the accused persons and they are liable to be acquitted of this case as per provision of law.

Hence, it is,

ORDERED

21. that the accused persons, namely, **Yeasin Mondal, Rashul Biswas and Tota Mondal** found not guilty for commission of the offence punishable **u/ss. 399/402 I.P.C and U/s. 25/27 Arms Act**. They are acquitted of this case as per provision of Section **235(1)** of the Code of Criminal Procedure. They are discharged from their bail bonds and set at liberty at once. The *alamat* of this

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case, if any, be destroyed on expiry of statutory period of appeal.

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

23. 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, Bangaon
North 24-Parganas.

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