

<b>Form A</b>
<b>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BARRACKPORE</b>
Present : Manika Chatterjee Nee Saha, [JO Code WB 01065] Additional Chief Judicial Magistrate, Barrackpore, 24- Parganas (North).
Date of the Judgment : 16.03.2026
GR Case No.6313 of 2023 T.R. No.79 of 2026
CNR No.WBNP150040482020
C.I.S No.6313 of 2023

(Details of FIR/Crime and Police Station) Titagarh P.S. Case No.370 of 2023 dated 25.07.2023	
Complainant	State of West Bengal
REPRESENTED BY	Sri Jadunath Ghosh
ACCUSED	Gopal Mondal and Sampa Mondal
REPRESENTED BY	

<b>Form B</b>		
Date of Offence	:	25.07.2023
Date of FIR	:	25.07.2023
Date of Charge Sheet	:	12.10.2023
Date of Plea	:	16.03.2026
Date of commencement of Evidence	:	16.03.2026
The date on which judgment is reserved	:	16.03.2026
Date of Judgment	:	16.03.2026
Date of sentencing order, if any	:	Acquitted

**Accused Details:**

The rank of the Accused	Name of the 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.
A1 & A2	Gopal Mondal and Sampa Mondal	N.A.	Obtained bail on 13.06.2025 (On surrender)	U/s. 341/325/506/34 IPC	Acquitted	N.A	N.A

**Form C**

**List of Prosecution /Defence/ Court Witnesses**

**A. Prosecution :**

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Smt. Anjana Mondal	Defacto Complainant

**B. Defence Witness, if any :**

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW	NIL	

**C. Court Witness, if any :**

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)

CW	NIL	
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**List of Prosecution/Defence/Court Exhibits**

**A. Prosecution :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
01.	P-1/PW1	Signature on the written complaint of the complainant

**B. Defence :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibit :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects :**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

JUDGMENT

**Prosecution case:**

1. The instant case was filed under sections 341/325/506/34 of the Indian Penal Code. This case was initiated based on the written complaint lodged by the complainant, Smt. Anjana Mondal, wife of Sri Haridhan Mondal.
2. The brief fact of the case as alleged by the complainant in his Court complaint is that on 25.07.2023 at about 12.30 hours accused, Gopal Mondal and Sampa Mondal attacked the complainant and her husband, Haridhan Mondal with the pieces of bricks. The incident took place in front of their house. The complainant fell down on the earth. Then accused, Sampa Mondal came and hold the bunch of hair of the complainant and hit on her chest. Accused, Gopal Mondal beat the husband of the complainant. Since long the accused persons used to hackle the complainant by different way of harassment. Accused persons also used to threaten the complainant to kill her.
3. The police after investigation filed charge sheet against the accused namely, Gopal Mondal and Sampa Mondal u/s. 341/323/506/34 Indian Penal Code.
4. Thereafter, on perusal of the entire materials, the substance of the accusation was read over and explained to the accused persons and the accused persons to which they pleaded 'Not Guilty' and claimed to be tried. Hence this trial.
5. The trial was held, and the witnesses were examined by the prosecution in support of its case. The examination of accused persons u/s.313 Code of Criminal Procedure is dispensed with as there was no incriminating evidence present in record against the accused persons.

**Points for Consideration:**

6. Is the accused persons guilty of the offence punishable under Sections 341/323/506/34 of the Indian Penal Code?

**Decision With Reasons:**

7. Now, I have to analyze, assess and take into account the total evidence and materials on record to decide the case properly.
8. Ld. A.P.P during the argument submitted that the case of the prosecution has not been proved. Ld. APP fairly submits that the guilt of the accused has not been proved at all and it is clear from the evidence of witnesses that due to misconception the case was filed.

9. Ld. Counsel appearing for the accused persons had an advanced argument in support of the acquittal of the accused persons from the alleged charge. It is submitted that

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the case against the accused persons is false and fabricated and the accused persons have been implicated falsely. According to the Ld Counsel, the accused persons are entitled to be acquitted of the alleged pleas.

10. On perusal of the evidence on record, I find that the defacto complainant has been examined in this case.

11. P.W.-1, Smt. Anjana Mondal i.e. the defacto complainant of this case herein stated in her examination in chief that, "I filed this case against two of my relatives. They are present today (identified). I have no allegation against the accused. The dispute has been settled between us. I am deposing voluntarily. The complaint bears my signature. Signature be marked as P-1/PW1."

12. So from the examination of PW1, it will appear that she lodged this case against her two relatives and she has no allegation against the accused person. PW1 also stated that the dispute has been settled between them.

13. No other witnesses has been examined from the side of the prosecution. On minute comparison between the evidence on record and the written complaint, it would transpire that there is vast dissimilitude between the initial version of the prosecution made in the written complaint and the evidence given during the trial.

14. The allegations against the accused person, as stated by the prime witness, are very omnibus. The case of the prosecution lacks substance on the want of specification. No, positive evidence is thereon recorded whereby it can be said that the prosecution has been able to bring home the plea against the accused person. There is an utter failure on the part of the prosecution to entangle the accused person against the charges so framed. All these, make the prosecution case weak. The written complaint, the initial version of the prosecution and the evidence so adduced on the dock stand poles apart.

15. From the evidence of the witness, nothing has transpired which can prove the prosecution case. The evidence of the prosecution was closed on the prayer of the Learned Asst. Public Prosecutor and as such it can well be construed and said that despite being given the opportunity and scope to prove its case the prosecution has failed to bring home the plea against the accused person. I find no incriminating materials against the accused person for which the accused person can be convicted under sections 341/323/506/34 of Indian Penal Code. I, therefore, hold that the essential ingredients to convict the accused person with the offence are punishable under sections

341/323/506/34 of Indian Penal Code are very much absent in the present case. Resultantly the accused person is entitled to be acquitted of the pleas so framed against him under sections 341/323/506/34 of Indian Penal Code.

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16. All the points are thus answered in the negative.
17. As a result prosecution case fails and the accused person merit acquittal.

Hence,

**ORDERED**

The accused persons namely, Gopal Mondal and Sampa Mondal are found not guilty of the charge so framed against them under sections 341/323/506/34 of Indian Penal Code and they are acquitted under section 255(1) of the Cr. P.C.

The judgment is delivered in open Court. Let necessary noting be made in the register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of the Cr. R.O of the Honourable High Court, Calcutta.

Let a copy of this judgment be forwarded to the District Magistrate, North 24 Parganas, DLSA, North 24 Parganas for due intimation to the victim as defined under section 2(a) of the Code of Criminal Procedure.

Manika Chatterjee Nee Saha,  
Additional Chief Judicial Magistrate,  
Barrackpore, North 24 Parganas

GR No.6313 of 2023

Order dated : 16.03.2026

Today is fixed for appearance.

Accused person is on bail and present before this Court and filed her respective haziras.

Ld. APP is present.

Now the record is taken up for plea.

The substance of accusation that, on 25.07.2023 at about 12.30 hours, Gopal Mondal and Sampa Mondal attacked the complainant and her husband with the piece of bricks and the incident took place in front of their house and the complainant fell down on the earth and then accused, Sampa Mondal came and hold the bunch of hair of the complainant and hit on her chest and accused, Gopal Mondal beat the husband of the complainant and since long the accused persons used to hackle the complainant by different ways of harassment and you also used to threat the complainant to kill her and thereby committed offence u/s. 341/323/506/34 of IPC, is read over and explained to the accused person to which she pleaded not guilty and claimed to be tried.

De facto complainant is present with his identity proof and deposed as PW1 and discharged him accordingly.

Signature on the written complaint of the complainant is marked as P-1/PW1.

Prosecution witness is closed.

Examination of accused u/s.313 Code of Criminal Procedure is dispensed with as there is no incriminating evidence present in record.

The record is taken up for argument and judgment.

Argument heard in full.

The record is taken up for passing judgment.

Hence,

**ORDERED**

The accused persons namely, Gopal Mondal and Sampa Mondal are found not guilty of the charge so framed against them under sections 341/323/506/34 of Indian Penal Code and they are acquitted under section 255(1) of the Cr. P.C.

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