

FORM A

IN THE COURT OF JUDICIAL MAGISTRATE,
16th COURT, CALCUTTA

Present: Tsering Choden
(J.O. Code No.WB01158)
Judicial Magistrate, 16th Court, Calcutta

Date of Judgment : 01st Day of August, 2026

G.R. Case No. 361/2008
C.I.S No. GRS-361/2008
CNR No. WBCS02-043843-2008

Muchipara P.S. Case no. 32 dt. 10.02.2008
u/s 448/354/506/427/114 of IPC

Defacto Complainant	Bijay Kumar Roy
Represented by	Ld. APP Arup Chakroborty
Accused	1. Depankar Pal S/o- Mahendra Chandra Pal Age:- 60 years Add:- 4C, Kundu Lane P.S- Ultadanga Dist- North 24 PGS 2. Anil Kundu @ Pathan S/o- Sunil Kumar Kundu Age:- 58 years Add:- 43 Ramanath Kabiraj Lane P.S- Muchipara Dist- Kolkata 3. Debasish Mondal @ Munna S/o- Kumar Chandra Mondal Age:- 59 years Add:- 48, Dr. Jagabandhu Lane P.S- Bowbazar Dist- Kolkata-12
Represented by	Ld. Advocates Sumit Kumar Dey and Subir Kumar Sen

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FORM B

Date of Offence	04.01.2008
Date of FIR	10.02.2008
Date of Charge Sheet	14.03.2009
Date of Framing of Charges/plea	01.06.2026
Date of commencement of Evidence	21.07.2026
Date of the Judgment	01.08.2026
Date of the Sentencing Order, if any	Not applicable

Accused Details :

Rank of the accused	Name of the accused	Date of arrest	Date of release	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of section 427 Cr.P. C.
1.	Depankar Pal	14.12.23	14.12.23	448/506 of IPC	Acquitted	N.A	Nil
2.	Anil Kundu @ Pathan	13.08.25	13.08.25	448/506 of IPC	Acquitted	N.A	Nil
3.	Debasish Mondal @ Munna	19.06.24	19.06.24	448/506 of IPC	Acquitted	N.A	Nil

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)
P.W.-1	Bijay Kumar Roy	Complainant

B. Defence witnesses, if any : NO.

C. Court witness, if any : NO.

LIST OF PROSECUTION DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit P-1 (P.W-1)	Written complaint along with signature

B. Defence : NO

C. Court witness : NO

J U D G M E N T

1. The prosecution case, in brief, is that on 10.02.2008 the O.C. of Muchipara P.S. received a written complaint from one Bijay Kumar Roy to the effect that on 04.01.2008 at about 10:00 pm at 40/1 Ramnath Kabiraj Lane, Kolkata, the accused persons criminally trespassed into his house and threatened him with dire consequences.

2. On the basis of the said written complaint, the concerned O.C. started Muchipara P.S. Case No. 32 dt. 10.02.2008 u/s. 448/354/506/427/114 of I.P.C. against the accused persons and the I.O. of the case took up the investigation and after completion of the investigation he submitted the charge sheet u/s. 448/354/506/427/114 of I.P.C. against the accused persons. The Ld. C.M.M., Calcutta took cognizance of the offence and transferred the case to this court for disposal. Ultimately, on 01.06.2026 the accused persons were examined u/s 251 of Cr.P.C. and the substance of accusation u/s. 448/506 of I.P.C was read over and explained to the accused persons in Bengali to which they pleaded not guilty and claimed to be tried.

3. On the other hand, the defence case is that of total denial of prosecution case. It is also the case of the defence that the accused persons have been falsely implicated by the complainant in this case

POINTS FOR DETERMINATION

4. The only point for determination is whether the prosecution has been able to prove the alleged offences u/s. 448/506 of I.P.C. against the accused persons beyond all reasonable doubt?

DECISION WITH REASONS

5. In order to prove its case, the prosecution has examined only one witness i.e. the de-facto complainant namely, Bijay Kumar Roy as P.W.-1.

6. The P.W.-1 (Bijay Kumar Roy) has deposed that in the year 2008 a dispute cropped up between him and the accused persons and at present he cannot say anything regarding the alleged incident. The written complaint along with his signature is marked as Exhibit.P-1.

7. During cross-examination he has deposed that he has filed this case due to misunderstanding and he has no allegation against the accused persons.

8. The main allegation against the accused persons is that they criminally trespassed into the house of the complainant and threatened him with dire consequences.

9. However, on going through the evidence produced by the prosecution I do not find any evidence to show that these accused persons criminally trespassed into the house of the complainant and threatened him with dire consequences. The P.W.-1 who is the de-facto complainant of this case could not give any concrete statement regarding the incident and the manner in which the accused persons criminally trespassed into his house and threatened him with dire consequences and also the role played by the accused persons or their involvement in the commission of the crime. So, the prosecution has produced neither the oral evidence nor any documentary evidence to show that these accused persons criminally trespassed into the house of the complainant and

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threatened him with dire consequences as alleged by the prosecution. If there is no evidence to show that these accused persons criminally trespassed into the house of the complainant and threatened him with dire consequences, they cannot be held liable for the commission of alleged offence. In other words, there is no iota of evidence showing the involvement of these accused persons in commission of the offence.

10. Considering the entire evidence on record and in view of my above discussions, this court is of the opinion that the Prosecution has failed to bring home the charge against the accused persons beyond any shadow of doubt, and, as such, the accused persons are entitled to get benefit of doubt in the instant case.

Hence, it is

O R D E R E D

that the accused persons namely, **Depankar Pal, Anil Kundu @ Pathan** and **Debasish Mondal @ Munna** are found not guilty of the offence **u/s. 448/506 of I.P.C** and they are acquitted **u/s. 255(1) of Cr.P.C.** They are also discharged from their respective bail bonds.

The seized alamats, if any, be destroyed subject to the time of Appeal.

D/C by me

Sd/-
Judicial Magistrate
16th Court , Calcutta

Sd/-
(Tsering Choden)
(J.O. Code No.WB1158)
Judicial Magistrate,
16th Court , Calcutta