

Form A

IN THE COURT OF JUDICIAL MAGISTRATE, 1st COURT, BOLPUR, BIRBHUM Present : SRI BANIBRATA DATTA, JUDICIAL MAGISTRATE, 1ST COURT, BOLPUR, BIRBHUM. (Date of Judgment: 30.07.2025) [G.R.Case No.780/2014] [T.R.-375/2022] [Reg no.966/2022] CNR No.-WBBOD-003021-2022 (Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	PROBAL RAY
ACCUSED	1.Sanat Majhi, 2. Soubhagya Mal, 3. Lalu Majhi, 4. Mahadeb Mal and 5. Santanu Majhi.
REPRESENTED BY	T.K. DEY

Form B

Date of Offence	13.09.2014
Date of FIR	14.09.2014
Date of charge sheet	27.09.2014
Date of framing of charges	23.06.2025
Date of commencement of Evidence	30.07.2025
Date on which Judgment is reserved	30.07.2025
Date of Judgment	30.07.2025
Date of Sentencing order, if any	Acquitted

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Rabipada Majhi	First informant
PW-2	Madhai Mal	Independent witness
PW-3	Dudh Kumar Majhi	Independent witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	N.A	
DW-2	N.A	

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	N.A	

LIST OF PROSECUTION/ DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit- /PW-	N.A

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW 1	N.A

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW 1	N.A
2	Exhibit C-2/CW 2	

D. Material Objects:

Sr. No.	Material ObjectNumber	Description
1	MO 1	N.A
2	MO 2	

Facts of the Case:-

The instant case has its genesis on the basis of the written complaint filed by the defacto complainant namely Dudh Kumar Majhi. The written complaint has been filed before the Bolpur P.S Case No.438 of 2014 dated 14.09.2014 under Sec. 341/325 of I.P.C against the above named accused persons. The investigation was started for the alleged offences against above named accused persons. The sum and substance of the allegation is that 13.09.2014 at about 20:00 hrs, while the complainant was returning towards his house and on the way near Kana river bridge the FIR named accused persons attacked to the complainant using iron rod. As a result of that he received injury over his person and he was taken to Bolpur BPHC for his treatment. Thereafter, the defacto complainant filed the instant case.

After completion of investigation the Charge-sheet being no.366A of 2014 dated 27.09.2014 was submitted under section 341/325 of I.P.C against the above named accused persons. The cognizance of the offence was taken against the accused persons.

On 23.06.2025 after considering the materials on record the charges under section 341/325 of I.P.C was framed against the accused persons. The substances of charges so framed is read over and explained to the accused persons to which they pleaded not guilty of committing the offence and claimed to be tried.

The case was well within jurisdiction of the Court. The trial was started against the accused persons. The prosecution has been able to produce only three witnesses out of eight charge sheeted witnesses.

After considering the material from record Ld. Advocate of the accused pray for closing of the evidence and the prosecution did not raise any objection.

The accused persons were examined u/s.313 Cr.P.C. and the accused persons came to be not guilty again. No defense witness adduced.

Points for Consideration:-

- a) Whether the prosecution has been able to prove the charges against the accused persons?
- b) Whether the accused persons are liable to be punished under section 341/325 of I.P.C ?

Decision with Reasons:-

The essential ingredients to establish an offence under section 341 I.P.C. are as follows:-

- i) That there was some voluntary obstruction caused;
- ii) That the instruction was such as to prevent any person from proceeding in any direction;

Contd.

iii) That the person of structured had a right to proceed in that direction.

The essential ingredients to establish an offence under section 325 I.P.C. are as follows:-

- i) Accused voluntarily caused hurt;
- ii) Hurt was grievous within the meaning of sec.320 I.P.C.

Evidence:-

PW-1 to 3 are Rabipada Majhi, Madhai Mal and Dudh Kumar Majhi have stated that they know the defacto complainant of this case and he died at about 5 to 6 years ago. They further stated that they have no personal knowledge regarding the alleged incident. They further stated that they do not know anything regarding the alleged incident.

During his cross-examination has stated that they never interrogated by the I.O. of this case. They further stated that they cannot say the date, time, month and place of the happening of the alleged incident.

Considering the statement of the witnesses being the independent witnesses and considering the material on record Ld. Advocate of the accused submitted a petition for closing of the evidence and Ld. A.P.P raised no objection. Considering the merit of the case this Court also allowed the petition filed by the Ld. Advocate for the accused for the closing of evidence.

The Hon'ble Supreme Court of India was pleased to observe in **Satish Mehra Vs. Delhi Administration and Anr. (1996) 9 SCC 766**, that in case where there is no prospect of the case ending in conviction, the valuable time of the Court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on the future date.

Nothing has been seized in connection with this case. From the deposition of the P.W.1 1 to 3 are Rabipada Majhi, Madhai Mal and Dudh Kumar Majhi have stated that they know the defacto complainant of this case and he died at about 5 to 6 years ago. They further stated that they have no personal knowledge regarding the alleged incident. They further stated that they do not know anything regarding the alleged incident. During his cross-examination has stated that they never interrogated by the I.O. of this case. They further stated that they cannot say the date, time, month and place of the happening of the alleged incident.

No ingredient is available in respect of offences u/s.341/325 of I.P.C for which it appears to me that the allegation brought by the independent witnesses and no witness of the

Contd.

defacto complainant against the accused persons is baseless, false and concocted and prosecution miserably fail to establish the same.

The witnesses brought by the prosecution do not support and corroborate the prosecution story beyond reasonable and probable doubt and upon which the conviction of the accused persons can be sustained.

The case is virtually without sufficient evidence. It is well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused persons has to be tested. In case the charges are found to be proved, the accused persons are sent to gallows, but if it is not proved, the accused persons must be set at liberty giving them the benefits of doubt. In the present case, the evidence on record, when tested on the touchstone of the often-quoted principle of “proof beyond reasonable doubt”, it appears to me that the prosecution has failed to prove the charges against the accused person. Accordingly, the accused persons is not liable to be punished.

Thus, the prosecution has miserably failed to prove its case beyond reasonable doubt. So, in this case the accused persons are not liable to be punished since the charge against them has not been proved by the prosecution.

Hence, there is no other option left before the court but to acquit the accused persons.

Hence, it is

o r d e r e d

that the accused persons namely, 1.Sanat Majhi, 2. Soubhagya Mal, 3. Lalu Majhi, 4. Mahadeb Mal and 5. Santanu Majhi are found not guilty of committing the offence under section 341/325 of I.P.C and hereby acquitted of the charge framed against them as per section 248(1) of Cr.P.C.

They are also discharged from the liability of their respective bail-bonds and is set at liberty.

The sureties, if any, is also discharged.

The case is thus disposed of.

Take note on relevant register.

Seized article if any be returned to the appropriate party or disposed of accordingly.

D/C by me

Judicial Magistrate,1st Court,
Bolpur, Birbhum

(Banibrata Datta)
Judicial Magistrate,1st Court,
Bolpur, Birbhum

Contd.

Order dt. 30.07.2025

Today, the record is fixed for examination of the accused persons u/s.313 of Cr.P.C.

The accused person on C/B are present.

Ld. A.P.P is also present.

The accused persons were examined u/s 313 Cr.P.C and their statements recorded in separate sheet and tagged with the record and they are discharged.

The accused persons have refused to give evidence on their behalf, thus the D/W stands closed.

Further,

Heard the argument from both sides.

Put up the case record at 2.30 p.m. for delivery of judgment.

Later,

at 2.30P.M.

The accused person present.

Judgment is ready to pronounce and the same is delivered in open Court by reading out the operative part in the open Court in presence of both sides to that effect:-“that the accused person namely 1. Sanat Majhi, 2. Soubhagya Mal, 3. Lalu Majhi, 4. Mahadeb Mal and 5. Santanu Majhi are found not guilty of committing the offence under section 341/325 of I.P.C and hereby acquitted of the charge framed against them as per section 248(1) of Cr.P.C.”

They are also discharged from the liability of their bail-bonds and is set at liberty.

The sureties, if any, is also discharged.

The case is thus disposed of.

Take note on relevant register.

Seized article if any be returned to the appropriate party or disposed of accordingly.

D/C by me

Judicial Magistrate,1st Court,
Bolpur, Birbhum

Judicial Magistrate,1st Court,
Bolpur, Birbhum