



In the court of Judicial Magistrate, 1st court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 10th day of August, 2026] [G.R. Case No. 05 of 2025] [CIS Registration No. 324 of 2026] CNR No.WBPU060005222025 (Arising out of Neturia P.S. Case No. 05/2025 dated 02.01.2025 under Sections 126(2)/329(4)/115(2)/117(2)/351(3)/3(5) BNS, 2023)	
Complainant	STATE OF WEST BENGAL THROUGH O/C NETURIA POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	1.Asuruddin Ansary @ Asuruddin Ansary 2.Lalu Ansary @ Sakim Ansary 3.Safik Ansary @ Badruddin Ansary 4.Bablu Ansary @ Abdul Hakim Ansary 5.Algun Bibi @ Salgun Bibi 6.Sajeda Bibi @ Sayeda Bibi 7.Momena Bibi, 8.Reshma Bibi
REPRESENTED BY	Hafizuddin Ansary

Form B

[directed by the Hon’ble Supreme court in SUO MOTO WRIT (CRL) NO. (S) 1/2017; IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS V. THE STATE OF ANDHRA PRADESH & ORS.]

Date of Offence	26.12.2024
Date of FIR	02.01.2025
Date of Charge-sheet	31.01.2025
Date of Charge	27.01.2026
Date of commencement of evidence	11.03.2026
Date on which judgment is reserved	10.08.2026
Date of the Judgment	10.08.2026
Date of the Sentencing Order, if any	ACCUSED PERSON HAS BEEN ACQUITTED

Accused details:

Sl.	Name of Accused	Date of Arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sent ence imposed	Period of Detention Undergone during trial for purpose of Section 428 Cr.P.C.
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1.	Asuruddi n Ansary @ Asuruddi n Ansary	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
2.	Lalu Ansary @ Sakim Ansary	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
3.	Safik Ansary @ Badruddi n Ansary	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
4.	Bablu Ansary @ Abdul Hakim Ansary	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
5.	Algun Bibi @ Salgun Bibi	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
6.	Sajeda Bibi @ Sayeda Bibi	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
7.	Momena Bibi,	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA
8.	Reshma Bibi	06.01.2025 (surrendered)	06.01.2025	126(2)/ 329(4)/ 115(2)/ 117(2)/ 351(3)/3(5) BNS, 2023	Acquitted.	NA	NA

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 WITNESSES)
PW1	Giyasuddin Ansary	Complainant / Injured Witness
PW2	Dharani Chakraborty	Scribe of Complaint
PW3	Jaleka Bibi	Eyewitness / Related Witness
PW4	Pyarjan Ansary	Post-occurrence Witness / Related Witness
PW5	Sk Abed Ansary	Independent/Local Witness
PW6	ASI Mrinal Kanti Das	Investigating Officer
PW7	Noor Mohammad Ansary	Local Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
DW	NIL	NIL

C. court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
CW	NIL	NIL

List of Prosecution/ Defence/ court Exhibits

- Prosecution:

Sr. No.	Exhibit Number	Description	Date
1.	Exhibit P1	Written complaint	11.03.2026
2.	Exhibit P1/1	Signature of complainant Giyasuddin Ansary on written complaint	11.03.2026
3.	Exhibit P1/2	Signature of scribe Dharani Chakraborty on written complaint	11.03.2026
4.	Exhibit P1/3	Signature of SI S.K. Rahman on receipt of complaint	09.06.2026
5.	Exhibit P2	Formal FIR	09.06.2026
6.	Exhibit P2/1	Signature of SI S.K. Rahman on Formal FIR	09.06.2026
7.	Exhibit P3	Rough Sketch Map of Place of Occurrence	09.06.2026
8.	Exhibit P4	Index of Rough Sketch Map	09.06.2026
9.	Exhibit P4	Index of Rough Sketch Map	09.06.2026

- Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL



• court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

• Material Objects:

Sr. No.	Exhibit Number	Description	Date
Nil	Nil	Nil	Nil

J U D G M E N T

Facts of the case:

The prosecution case, in brief, is that on 02.01.2025 the complainant Giasuddin Ansary submitted a written complaint before Neturia Police Station alleging that on 26.12.2024 at about 3:00 P.M., while he was watering his sapling at his premises, the accused persons, namely Asuruddin Ansary, Lalu Ansary, Safik Ansary, Bablu Ansary, Algon Bibi, Sajeda Bibi, Momena Bibi and Reshma Bibi, entered into his premises and assaulted him. It was alleged that the accused persons assaulted him by fist and blows and also by using a shabol/iron rod and caused damage to the household articles. It was further alleged that the accused persons threatened him with dire consequences. The complainant claimed that he sustained injury on his head and was treated at Raghunathpur Sub-Divisional Hospital. On the basis of the written complaint, Neturia P.S. Case No. 02/2025 dated 02.01.2025 was started under Sections 126(2)/329(4)/115(2)/117(2)/351(3)/3(5) of the BNS, 2023.

During investigation, ASI Mrinal Kanti Das took up the investigation. He examined the complainant, visited the place of occurrence and prepared a rough sketch map with index. He examined the available witnesses and recorded their statements. He searched for the alleged offending weapon, but no weapon could be recovered or seized. Notices under Section 35(3) BNSS were served upon the FIR-named accused persons. The accused persons thereafter surrendered before the learned Court on 06.01.2025 and were released on bail. The Investigating Officer stated that he collected the injury report from Raghunathpur Sub-Divisional Hospital. However, the doctor who allegedly treated the injured was not examined before the Court, though he was informed over phone, and no injury report is available in the case diary/record as placed before the Court. After completion of investigation, the Investigating Officer submitted Charge Sheet No. 10/2025 dated 31.01.2025 against all the eight accused persons under Sections 126(2)/329(4)/115(2)/117(2)/351(3)/3(5) BNS, 2023. The accused persons were thereafter proceeded with the case and charge was framed against them on 27.01.2026.

Evidence adduced

Only seven witnesses in this case have been examined and cross examined as PW01 to PW07. No other witness has been examined on behalf of the prosecution. After considering every possible facet and the quality of the



evidences on record, the prayer of the accused person was allowed because production of further witnesses and dragging this case any further in violation to the provisions of section 346 of the BNSS; appeared to be absolutely unnecessary. It is also axiomatic from the case record that even after taking gusto efforts appearance of all the witnesses could not be secured. It is worthwhile to mention here that this case is pending since the year 2025 and as per the mandate of Constitution speedy disposal is the fundamental right of the accused person. Moreover the case come under Track 03 as per the Case Flow Management Rules, High court Rules 2006. Thus it is the indelible duty of this court to hoist the right of the accused person and to act in accordance with section 346 of the BNSS read with the Case Flow Management Rules, High court Rules 2006 as well as the direction of the Hon'ble Supreme court given in *Hussain and another versus Union of India, 2017[2] AICLR 362 (SC)*. Hence being pioneered by the decision of the Hon'ble Supreme court the prosecution evidence was closed and the case was fixed for examination of the accused person under section 351 of the BNSS 2023. However In short the sum and substance of the defence is plea of innocence.

After exhausting the above procedures the case was posted for hearing of arguments. On completion of arguments it is the incumbent duty of this court formulate the points for determination and assign reasons for harbouring to any conclusion on those points. After considering every possible facet in this case and considering the materials available, the points for determination as formulated are arrayed as under:

Points for determination

- 1) Whether the charges framed against the accused person have been proved or not?
- 2) Whether the accused person is liable to be convicted under 126(2)/329(4)/115(2)/117(2)/351(3)/3(5) BNS, 2023?

Decision with reason

Point number 01 and 02:

As both the above-mentioned points for determination are closely interrelated, they are taken up together for the sake of convenience and brevity and are being discussed jointly in this judgment. Learned counsel appearing for the accused, during the course of arguments, submitted that the prosecution has miserably failed to prove the charges framed against the accused and, therefore, the accused persons are entitled to acquittal. He further contended that none of the witnesses examined by the prosecution have been able to depose to any material facts from which the charges against the accused could be said to have been proved, and as such, the accused persons deserve to be acquitted. Learned A.P.P., however, opposed the said contention and raised serious objections to the prayer made on behalf of the accused. She submitted that there are sufficient materials on record from which the prosecution case can be said to have been proved beyond



reasonable doubt.

The complainant Giasuddin Ansary was examined as PW1. He stated that he had filed the case before Neturia Police Station. According to him, the incident took place at about 3:00 P.M. inside his house. He stated that he was cultivating at that time and that Asuruddin Ansary, Momena Bibi, Badruddin Ansary and Abdul Hakim came to his house and assaulted him. He specifically alleged that Asuruddin Ansary assaulted him with a shabol, as a result of which he became senseless. He further stated that he was first taken to Raibandh Phari and thereafter to Raghunathpur Hospital, where he remained admitted for three days. He identified his written complaint and his signature thereon, which were marked as Exhibits P1 and P1/1 respectively. In cross-examination, he stated that his name was Giasuddin Ansary and not Jiyasuddin Ansary. He admitted that Asuruddin Ansary had also filed a case against him and Samir Ansary regarding the incident of the same date. He denied that the present case was filed falsely to save himself from that case. He also admitted that PW3, PW4 and PW5 were his relatives. He maintained that Asuruddin Ansary assaulted him with a shabol and denied the defence suggestions that no such incident occurred or that he had deposed falsely.

Dharani Chakraborty was examined as PW2. He stated that he was the scribe of the written complaint and had written the complaint according to the instructions of the complainant. He identified the written complaint and the relevant signatures, which were marked as Exhibits P1 and P1/2. In cross-examination, he stated that he did not know at what time he had written the complaint and that he had no personal knowledge about the occurrence. He clearly stated that he had written the complaint only according to the instructions given by the complainant.

Jaleka Bibi was examined as PW3. She stated that she knew Giasuddin Ansary and described him as her brother-in-law. According to her, the incident took place at about 3:00 P.M. inside her house. She stated that she was inside the house and that Pyarjan had come there to give water to the house, while Giasuddin was doing his work. She alleged that Asuruddin Ansary, Badruddin Ansary, Abdul Hakim Ansary and Abdul Sakim Ansary came there and assaulted them. According to her, Asuruddin Ansary assaulted Giasuddin with a shabol, stone and brick, causing injury to his head and making him senseless. She stated that Giasuddin was first taken to Raibandh Phari and thereafter to Raghunathpur Hospital, where he was admitted for three days. In cross-examination, she stated that her house was situated in front of the house of Giasuddin. She admitted that Asuruddin Ansary had also filed a case against Giasuddin and Samir Ansary concerning the incident of the same date. She denied that she had deposed falsely to save them from that case. She also denied the suggestion that no such occurrence took place or that she had falsely deposed.

Pyarjan Ansary was examined as PW4. He stated that Giasuddin Ansary was his brother-in-law. According to him, on hearing hue and cry, he went to the place of occurrence and saw that Giasuddin had sustained injury on his head. He



stated that Giasuddin was thereafter taken to Raghunathpur Hospital and admitted there. In cross-examination, he denied the suggestions that no such incident took place, that Giasuddin did not sustain injury or that he had not taken Giasuddin to Raghunathpur Hospital. He also denied that he had deposed falsely.

Sk Abed Ansary was examined as PW5. He stated that he knew Giasuddin Ansary. He stated that about two years earlier, at about 3:00 P.M., he had gone to the house of Samir Ansary and saw a quarrel and assault between Giasuddin Ansary and his neighbours. He stated that about five persons were assaulting the complainant with lathis and stones. He stated that one of the accused persons was present in Court, but he could not tell his name. In cross-examination, he admitted that he was a relative of the complainant and that the Investigating Officer had never examined him during investigation. He also stated that he could not describe the topography of the place of occurrence. He denied that he had falsely deposed because Giasuddin was his relative.

ASI Mrinal Kanti Das was examined as PW6. He is the Investigating Officer of the case. He stated that the written complaint was received by SI S.K. Rahman and identified his signature. He proved the formal FIR and the relevant signature. He stated that after receiving the endorsement he took up investigation, examined the complainant, visited the place of occurrence and prepared the rough sketch map and index, which were marked as Exhibits P3 and P4. He further stated that he examined witnesses and recorded their statements during investigation. He stated that he collected the injury report and, after completion of investigation, submitted Charge Sheet No. 10/2025 dated 31.01.2025. In cross-examination, he admitted that he had not examined as witnesses the persons whose names were mentioned in the sketch map and index. He also admitted that the name of the patient was mentioned as Jiyasuddin Ansary instead of Giasuddin Ansary in the injury report. He denied the suggestion that he had not visited the place of occurrence or that the investigation was perfunctory. It is also material that the doctor who allegedly treated the injured was informed over phone but did not appear before the Court, and the injury report itself is not available in the case diary/record.

Noor Mohammad Ansary was examined as PW7. He stated that he knew Giasuddin Ansary and had heard that Giasuddin had sustained injury. However, he could not say who had assaulted Giasuddin or how he had sustained the injury. In cross-examination, he only denied the suggestion that Giasuddin had not sustained any injury.

The prosecution has examined seven witnesses in support of its case. The evidence of PW1 Giasuddin Ansary, the complainant and injured witness, is important. He stated that Asuruddin Ansary, Momena Bibi, Badruddin Ansary and Abdul Hakim came to his house and assaulted him and that Asuruddin Ansary assaulted him with a shabol. PW3 Jaleka Bibi also stated about the assault and specifically attributed the use of shabol, stone and brick to Asuruddin Ansary. However, the evidence of these witnesses requires careful consideration because



there are material inconsistencies regarding the date, place and manner of occurrence and also regarding the persons who allegedly participated in the assault.

The FIR records the date of occurrence as 26.12.2024, whereas PW1, PW3 and PW4 have stated the date as 26.11.2024. This is not a minor difference in the present case because the date of occurrence is a basic fact of the prosecution case. PW1 has further stated in his evidence that he went to the police station on 02.12.2024 to lodge the case, whereas the FIR was actually registered on 02.01.2025. The written complaint itself is dated 02.01.2025. Thus, there is no clear and consistent account from the prosecution regarding when the occurrence took place and when the complaint was lodged. These inconsistencies become more important when the entire prosecution case is based upon the occurrence alleged to have taken place on one particular date.

There is also a material difference regarding the place of occurrence. The FIR states that the complainant was watering his sapling, whereas PW1 stated that he was cultivating and the occurrence took place inside his house. PW3 stated that the occurrence took place inside her house. PW1 stated that the accused persons came to his house, while PW3 stated that they came to her house. PW4, on the other hand, did not see the actual assault and only stated that after hearing hue and cry he went there and found Giasuddin injured. Therefore, the evidence regarding the exact place and circumstances of the occurrence is not consistent.

The evidence regarding the identity and role of the accused persons is also not uniform. In the FIR, all eight accused persons were named. But in his deposition PW1 named only four persons, namely Asuruddin Ansary, Momena Bibi, Badruddin Ansary and Abdul Hakim, as the persons who came to his house. PW3 also named four persons, but the names used by her are Asuruddin Ansary, Badruddin Ansary, Abdul Hakim Ansary and Abdul Sakim Ansary. Thus, the evidence of the principal witnesses does not clearly establish the participation of all the eight accused persons. No specific overt act has been proved against several of the accused. PW5 stated that about five persons were assaulting the complainant but he could not identify any of them by name. PW7 is also of no help to the prosecution regarding the identity of the assailants, as he clearly stated that he could not say who assaulted Giasuddin or how he sustained the injury.

The evidence of PW2 also does not materially support the prosecution case. He is only the scribe of the written complaint. He clearly stated in cross-examination that he had no personal knowledge of the occurrence and had written the complaint according to the instructions of the complainant. His evidence, therefore, cannot prove the actual occurrence or the participation of any accused.

PW4 also does not claim to have witnessed the assault. His evidence is limited to the fact that, after hearing hue and cry, he went to the place and saw Giasuddin with an injury on his head and thereafter he was taken to the hospital. Thus, his evidence may show that the complainant was found injured, but it does not establish who caused the injury.



The medical evidence is another important aspect of the case. The prosecution case is that the complainant sustained a head injury and was treated at Raghunathpur Hospital. The Investigating Officer stated that he collected the injury report. However, the injury report is not available in the case diary/record placed before the Court. The doctor, namely Dr. Muruli Dhar Das, who allegedly treated the complainant, was informed over phone but did not appear before the Court to give evidence. Therefore, there is no substantive medical evidence before the Court to establish the nature, extent or cause of the alleged injury. The statement of the Investigating Officer that he had collected the injury report cannot by itself prove the contents of that report when the document has not been properly proved and the doctor has not entered the witness box. This is particularly relevant because the prosecution alleges use of a shabol/iron rod and claims that the complainant sustained a serious head injury.

The alleged weapon of assault has also not been recovered. The Investigating Officer stated that he searched for the offending weapon but nothing was found. Non-recovery of a weapon is by itself not sufficient to discard an otherwise reliable prosecution case. However, in the present case, when the ocular evidence itself contains material inconsistencies and the medical evidence is not available, the absence of recovery of the alleged weapon assumes importance.

The evidence of the Investigating Officer also shows certain deficiencies in the investigation. He admitted that he did not examine as witnesses the persons whose names appeared in the sketch map and index. The prosecution has therefore not examined all the available persons who could have thrown light upon the occurrence and the situation of the place of occurrence. The Court is conscious that every defect in investigation does not automatically result in acquittal. The Court has to see whether the evidence actually produced is sufficient and trustworthy. In the present case, however, the investigation deficiencies are considered along with the other material contradictions and omissions in the prosecution evidence.

It is also admitted from the evidence of PW1 and PW3 that Asuruddin Ansary had filed another case against Giasuddin Ansary and Samir Ansary relating to the incident of the same date. This fact by itself does not make the present case false. However, in a case where there is admitted previous enmity and a cross-case arising out of the same occurrence, the Court is required to examine the evidence with greater care. The evidence must be clear enough to establish the guilt of the accused beyond reasonable doubt.

The prosecution is required to prove the case against each accused individually. A general allegation against a group of persons cannot take the place of proof of the individual role of each accused. In the present case, specific and consistent evidence against all the eight accused persons is absent. The evidence of PW1 and PW3 is mainly directed against Asuruddin Ansary and a few other persons. The remaining accused persons have not been connected with any specific overt act by reliable evidence. PW5 could not identify the accused whom



he allegedly saw. PW7 could not identify any assailant at all.

It is also relevant that the charge sheet was submitted under Sections 126(2), 329(4), 115(2), 117(2), 351(3) and 3(5) BNS. The police report is the result of investigation, but submission of a charge sheet does not by itself establish the guilt of the accused. The Court has to decide the case on the evidence legally brought before it. Section 193 BNSS provides for the police report on completion of investigation, but the ultimate question of guilt has to be decided after appreciation of the evidence adduced during trial.

On an overall consideration of the evidence, this Court finds that the prosecution has been able to show that Giasuddin Ansary was allegedly found injured, but the evidence is not sufficiently clear and consistent to establish beyond reasonable doubt that the present accused persons, individually and in the manner alleged, committed the offences charged against them. The contradictions regarding the date of occurrence, the place of occurrence, the manner of occurrence and the persons participating in the assault, together with the absence of the injury report, non-examination of the treating doctor, non-recovery of the alleged weapon and lack of specific evidence against several accused persons create reasonable doubt in the prosecution case.

It is a settled principle of criminal law that the burden lies upon the prosecution to prove the charge beyond reasonable doubt. The accused persons are not required to prove their innocence. If, after considering the entire evidence, two views are reasonably possible, the view favourable to the accused has to be accepted. In the present case, the evidence placed before the Court does not reach the required standard of proof. The doubts are not merely technical or insignificant, but relate to material parts of the prosecution story.

Therefore, this Court finds that the prosecution has failed to prove the charges against the accused persons beyond reasonable doubt. The accused persons are accordingly entitled to the benefit of doubt and are acquitted of the charges framed against them.

Hence; it is

ORDERED

that the accused person, namely 1.Asuruddin Ansary @ Asuruddin Ansary 2.Lalu Ansary @ Sakim Ansary 3.Safik Ansary @ Badruddin Ansary 4.Bablu Ansary @ Abdul Hakim Ansary 5.Algun Bibi @ Salgun Bibi 6.Sajeda Bibi @ Sayeda Bibi 7.Momena Bibi, 8.Reshma Bibi are found to be not guilty of committing the offence under 126(2)/329(4)/115(2)/117(2)/351(3)/3(5) BNS, 2023 and they are hereby acquitted of the charges framed against them as per section 278 sub-section (1) of the BNSS. They are also discharged from the liability of their respective bail-bond and set at liberty. The sureties are also discharged. Let the seized documents pertaining to this case if already not returned, be returned from whom seized after the lapse of the period prescribed for appeal. Seized article if any; which is not claimed by the parties shall be



destroyed after expiration of the period of appeal.

Be it also mentioned here that the victim of this case has a right to prefer an appeal against this order before a competent court u/s 413 BNSS and can also seek legal assistance for such appeal from District Legal Services Authority.

Copy of this judgment of acquittal be forwarded to Secretary, DLSA, Purulia and District Magistrate, Purulia for necessary information.

Dated: 10.08.2026

Typed and corrected by me;

Judicial Magistrate 1st court

Raghunathpur, Purulia

WB01449