



<p>In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 13th day of April, 2026] [G.R. Case No. 581 of 2022] [CIS Registration No. 116 of 2023] CNR No. WBPU060001852023 (Arising out of Kashipur P.S. Case No. 99 of 2022 dated 25.08.2022 under section 447/341/325/326/506/34 IPC)</p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C Kashipur POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	1.Ambuj Mandal 2.Dijapada Mandal 3.Bimal Mandal 4.Kamal Mandal 5.Maheswar Mandal
REPRESENTED BY	Lalit Majee

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	25.08.2022
Date of FIR	25.08.2022
Date of Charge-sheet	02.12.2022
Date of charge	08.11.2024
Date of commencement of evidence	06.01.2025
Date on which judgment is reserved	13.04.2026
Date of the Judgment	13.04.2026
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	Sentence imposed	Period of Detention on Underg one during trial for purpose of Section 428 Cr.P.C.
1.	Ambuj Mandal	14.02.2023 (surrendered)	14.02.2023	447/341/325/326/506/34 IPC	Acquitted.	NA	NA



2.	Dijapada Mandal	01.09.2022 (arrested)	20.09.2022 2	447/341/3 25/326/50 6/34 IPC	Acquitted.	NA	NA
3.	Bimal Mandal	14.02.2023 (surrendered)	14.02.2023 3	447/341/3 25/326/50 6/34 IPC	Acquitted.	NA	NA
4.	Kamal Mandal	14.02.2023 (surrendered)	14.02.2023 3	447/341/3 25/326/50 6/34 IPC	Acquitted.	NA	NA
5.	Maheswar Mandal	14.02.2023 (surrendered)	14.02.2023 3	447/341/3 25/326/50 6/34 IPC	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	Bibekananda Chattopadhyay	Scribe of FIR
PW2	Dr Asima Moi	Medical Officer
PW3	Bijoy Mondal	Formal witness
PW4	Dilip Mondal	Formal witness
PW5	Lakkhi Mandal	Formal witness
PW6	Abani Mandal	Formal witness
PW7	Dr Priyadarshi Jash	Medical Officer
PW8	SI Santosh Kr Sardar	Investigating Officer

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	Description	Date
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	Number		
1	Exhibit P1	Written complaint	06.01.2025
2	Exhibit P1/1	Signature of PW1 on written complaint	06.01.2025
3	Exhibit P1/2	Signature of SI Partha Bhunia on complaint	09.03.2026
4	Exhibit P2	Injury report of Milan Mandal	12.02.2025
5	Exhibit P2/1	Signature of PW2 on injury report	12.02.2025
6	Exhibit P3	Injury report of Nabani Mandal	12.02.2025
7	Exhibit P3/1	Signature of PW2 on injury report	12.02.2025
8	Exhibit P4	Injury report of Haranath Mandal	28.08.2025
9	Exhibit P4/1	Signature of PW7 on injury report	28.08.2025
10	Exhibit P5	Formal FIR	09.03.2026
11	Exhibit P5/1	Signature on FIR	09.03.2026
12	Exhibit P6	Rough sketch map of PO	09.03.2026
13	Exhibit P7	Index of sketch map	09.03.2026

- 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 25.08.2022 at about 07:30 hours, the defacto complainant lodged a written complaint before Kashipur Police Station alleging that on the same day, the accused persons, namely Ambuj Mandal and others, were illegally cultivating the complainant's land. When the complainant along with his brothers protested and restrained them, the accused persons, in furtherance of their common intention, wrongfully restrained them and assaulted them with lathi and rod, as a result of which they sustained injuries. On the basis of the said complaint, Kashipur P.S. Case No. 99/2022 was registered



under Sections 447/341/325/328/506/34 IPC.

During investigation, the Investigating Officer examined the complainant and other available witnesses and recorded their statements under Section 161 Cr.P.C. The place of occurrence was visited and a rough sketch map with index was prepared. Repeated raids were conducted to apprehend the accused persons, but most of them could not be arrested as they were absconding. One accused, namely Dijapada Mandal, was arrested on 30.08.2022 and forwarded to the Court on 31.08.2022.

The Investigating Officer collected injury reports of the injured persons from Kolloli Rural Hospital, wherein the injuries of the complainant and another injured were opined to be simple in nature. One injured person, namely Milan Mandal, was referred to Rajendra Institute of Medical Sciences, Ranchi, where his injury was subsequently opined to be grievous in nature. Efforts were also made to record his statement, but he was found unconscious, and therefore his statement could not be recorded. A prayer was also made for recording his dying declaration.

The Investigating Officer further collected land-related information from the BL & LRO office regarding the disputed land. After completion of investigation and upon collecting sufficient materials and evidence, the Investigating Officer found prima facie case under Sections 447/341/325/326/506/34 IPC against all the accused persons.

Accordingly, Charge Sheet No. 144/22 dated 02.12.2022 was submitted against five accused persons to face trial before the Court. The accused persons were thereafter to be dealt with in accordance with law.

Evidence adduced

Only eight witnesses have been examined and cross-examined in this case as PW1 to PW8, and no other witness has been examined on behalf of the prosecution. Certain documents have been marked as exhibits during the course of trial. Thereafter, the learned advocate for the accused prayed for closure of further prosecution evidence on the ground that no incriminating material has surfaced against the accused and that continuation of further evidence would serve no useful purpose. Upon careful consideration of the entire materials on record and the quality of evidence adduced, the said prayer was allowed. This Court found that summoning further witnesses and prolonging the trial would be unnecessary



and contrary to the mandate of Section 309 of the Code of Criminal Procedure, 1973.

After completion of the aforesaid stages, the case was posted for final arguments. Upon conclusion of arguments, and in compliance with the requirement of Section 354 Cr.P.C., this Court proceeds to formulate the points for determination and to assign reasons for arriving at its conclusion. Upon careful consideration of the entire materials on record, the points for determination are framed as follows:

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 section 344/341/325/326/506/34 IPC?

Decision with reason

Point number 01 and 02:

Since both the aforesaid points for determination are interrelated, for the sake of convenience and brevity, they are taken up together and are being discussed jointly in this judgment.

At the very outset, the learned advocate for the accused submitted that the present case is a glaring example of misuse of the criminal justice system to harass and humiliate an innocent person. It was contended that the prosecution is motivated and the role of the de facto complainant is highly doubtful. The learned defence counsel further argued that the de facto complainant has falsely implicated the accused due to personal reasons and animosity. Drawing attention to the evidence on record, it was vehemently argued that the prosecution has failed to establish the charges framed against the accused and, therefore, the accused is entitled to an order of acquittal. It was further submitted that the prosecution was under a legal obligation to prove all the essential ingredients of the alleged offences, but there is no cogent or reliable evidence to substantiate the allegations, and as such, the accused cannot be held guilty.

The said submissions were strongly opposed by the learned Assistant Public Prosecutor, who argued that the evidence on record, when taken as a whole, is



sufficient to establish the prosecution case. It was contended that the Court should consider the entire evidence in its totality and arrive at a conclusion based on the surrounding circumstances.

In reply, the learned advocate for the accused reiterated that in a criminal trial, the prosecution must prove its case beyond all reasonable doubt and that mere suspicion or probability cannot take the place of proof.

In order to resolve the controversy, the foremost question that arises for consideration is regarding the burden of proof and the degree to which it must be discharged. It is well settled that the expressions “proved”, “disproved” and “not proved” as defined under Section 3 of the Indian Evidence Act, 1872 apply uniformly to both civil and criminal proceedings. A fact is said to be proved when, upon considering the matters before it, the Court either believes it to exist or considers its existence so probable that a prudent person would act upon such belief.

However, the standard of proof required in criminal cases is significantly higher than that in civil cases. While in civil proceedings a fact may be established on the basis of preponderance of probabilities, in criminal trials the prosecution is required to prove its case beyond all reasonable doubt. It is a cardinal principle of criminal jurisprudence that the accused is presumed to be innocent unless proven guilty, and the burden always lies upon the prosecution to establish all the ingredients of the offence charged.

Thus, guided by the settled principles of law, this Court holds that the prosecution must prove its case beyond reasonable doubt and cannot derive any advantage from the weakness, if any, in the defence of the accused.

Having said so, this Court now proceeds to carefully scrutinize and analyse the evidence available on record to determine whether the prosecution has been able to establish the occurrence of the alleged incident and, more importantly, whether it has been able to connect the accused with the commission of the alleged offences. For a meaningful adjudication, it is now necessary to examine what exactly the prosecution was required to prove in order to bring home the charges against the accused.

PW1 Bibekananda Chattopadhyay during his examination-in-chief stated that he knew the defacto complainant Haranath Mondal and also knew the accused persons as they were residents of a neighbouring village. He stated that he wrote the



complaint as per the instruction of the complainant and had no personal knowledge about the incident. He proved the written complaint and his signature thereon, which were marked as Exhibit P1 and P1/1. He further stated that Haranath Mondal had expired. During his cross-examination, he reiterated that he had no personal knowledge of the case.

PW2 Dr Asima Moi during her examination-in-chief stated that on 25.08.2022 she was posted at Kolloli Hospital and treated one patient, namely Milan Mondal, who complained of pain in his right hand and leg along with vertigo, and he was referred to another department. She proved the injury report and her signature, which were marked as Exhibit P2 and P2/1. She also treated Nabani Mondal, who complained of pain in both legs without any cut injury, and proved the injury report and her signature, marked as Exhibit P3 and P3/1. She opined that the injuries in both cases were simple in nature. During her cross-examination, she stated that the injury reports did not mention by whom the patients were assaulted and that such injuries could also occur due to a fall.

PW3 Bijoy Mondal during his examination-in-chief stated that he knew the defacto complainant Haranath Mondal, who was no more alive, but he did not know anything about the case. During his cross-examination, no questions were put to him by the defence.

PW4 Dilip Mondal during his examination-in-chief stated that he knew Haranath Mondal, who had expired, but he did not know anything about the case. During his cross-examination, no questions were put to him by the defence.

PW5 Lakkhi Mandal during her examination-in-chief stated that she did not know Haranath Mondal and did not know anything about the case. During her cross-examination, no questions were put to her by the defence.

PW6 Abani Mandal during his examination-in-chief stated that he did not know Haranath Mondal and did not know anything about the case. During his cross-examination, no questions were put to him by the defence.

PW7 Dr Priyadarshi Jash during his examination-in-chief stated that on 25.08.2022 he examined Haranath Mandal and found tenderness and abrasion on his right arm and leg, and opined that the injuries were simple in nature. He proved the injury report and his signature, which were marked as Exhibit P4 and P4/1. During his cross-examination, he stated that the injury report did not



mention the name of the assailant and that such injuries could also occur due to a fall.

PW8 SI Santosh Kr Sardar during his examination-in-chief stated that the complaint was received by SI Partha Bhunia, whose signature was marked as Exhibit P1/2, and that the formal FIR was prepared and signed, which was marked as Exhibit P5 and P5/1. He stated that he was entrusted with the investigation, during which he examined witnesses, visited the place of occurrence, prepared the sketch map and index, marked as Exhibit P6 and P7, and recorded statements under Section 161 Cr.P.C. He further stated that he arrested one accused person and, after completion of investigation, submitted Charge Sheet No. 144/22 dated 02.12.2022 under Sections 325/341/447/326/506/34 IPC against five accused persons. During his cross-examination, he admitted that he had recorded statements, prepared sketch map and visited the place of occurrence on the same date, did not seize any article, and had not recorded the statement of the medical officer. He denied the suggestion that the investigation was perfunctory.

Upon careful consideration of the entire materials on record, both oral and documentary, this Court proceeds to analyse whether the prosecution has been able to establish the charge against the accused persons under Sections 447/341/325/326/506/34 IPC beyond reasonable doubt.

At the outset, it is pertinent to note that the foundation of the prosecution case rests upon the written complaint lodged by the defacto complainant. However, the complainant himself has not been examined during trial as he has expired. Therefore, the substantive evidence of the incident is absent, and the prosecution case has to stand on the basis of remaining witnesses.

PW1, who is the scribe of the complaint, has categorically stated that he wrote the complaint as per instruction of the complainant and had no personal knowledge about the occurrence. Thus, his evidence is purely formal in nature and does not advance the prosecution case regarding the occurrence or involvement of the accused persons.

PW3, PW4, PW5 and PW6, who are cited as local witnesses, have not supported the prosecution case at all. They have clearly stated that they do not know anything about the incident. Their evidence completely demolishes the prosecution story as no eyewitness account is available on record. Their testimony



does not incriminate the accused persons in any manner.

Coming to the medical evidence, PW2 and PW7, both medical officers, have proved the injury reports. They have opined that the injuries sustained by the victims were simple in nature. Importantly, both the doctors have admitted in their cross-examination that the injury reports do not mention the name of the assailants and that such injuries may also be caused by accidental fall. Thus, the medical evidence does not corroborate the prosecution version regarding assault by the accused persons, nor does it establish the manner of occurrence.

Although the Investigating Officer (PW8) has stated about the steps taken during investigation and has proved the formal FIR, sketch map and charge sheet, his evidence is also of formal nature. It is a settled principle of law that the evidence of Investigating Officer cannot by itself prove the prosecution case unless supported by substantive evidence.

In this context, the Hon'ble Supreme Court in *Kali Ram vs State of Himachal Pradesh* (1973) 2 SCC 808 has held that if two views are possible, one pointing to the guilt of the accused and the other to innocence, the view favourable to the accused must be adopted. The burden always lies on the prosecution to prove the case beyond reasonable doubt.

Further, in *Sharad Birdhichand Sarda vs State of Maharashtra* (1984) 4 SCC 116, the Hon'ble Supreme Court has reiterated that suspicion, however strong, cannot take the place of proof. In the present case, the prosecution evidence does not even raise a strong suspicion against the accused persons, far less proving the case beyond reasonable doubt.

The Hon'ble Calcutta High Court in *Jitendra Nath Ghosh vs State of West Bengal* (2010 SCC OnLine Cal 1692) has held that where material witnesses do not support the prosecution case and there is absence of reliable ocular evidence, conviction cannot be sustained merely on formal or official witnesses.

In the instant case, there is complete absence of ocular evidence. No witness has stated that the accused persons assaulted the victims. The medical evidence does not support the prosecution version in a conclusive manner. There is no seizure of weapon, no independent corroboration, and no direct evidence connecting the accused persons with the alleged offence.

Moreover, the essential ingredients of Sections 447, 341, 325, 326 and 506



IPC have not been established. There is no reliable evidence of criminal trespass, wrongful restraint, grievous hurt or criminal intimidation by the accused persons. The common intention under Section 34 IPC also cannot be inferred in absence of any credible evidence.

Thus, the prosecution has failed to prove its case beyond reasonable doubt. The evidence on record is insufficient, unreliable and does not inspire confidence of the Court.

Accordingly, giving the benefit of doubt to the accused persons, this Court is of the considered opinion that the prosecution has miserably failed to bring home the charges against the accused persons, and they are entitled to be acquitted.

Hence; it is

ORDERED

that the accused persons, namely 1.Ambuj Mandal 2.Dijapada Mandal 3.Bimal Mandal 4.Kamal Mandal 5.Maheswar Mandal are found to be not guilty of committing the offence under section 447/341/325/326/506/34 IPC. and they are hereby acquitted of the charges framed against him as per section 248 of the Criminal Procedure Code 1973. They are also discharged from the liability of his 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 372 CrPC 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: 13.04.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;