

FORM - A

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
2ND COURT, RAGHUNATHPUR, DISTRICT - PURULIA**

Present : *Debayan Ganguly*

Additional Chief Judicial Magistrate 2nd Court, Raghunathpur, Purulia

J.O. Code: WB01313

Date of the Judgment: 13th day of March, 2026

Case No. GR: 610/22

TR: 47/23

(CIS Registration No. 140/2023)

(CNR No.- WBPU06-000215-2023)

(Arising from Para P.S Case No. 116/22 dated 07/09/2022)

Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	1. Alimuddin Ansari 2. Ajimuddin Ansari
Represented by	Name of Advocate: Hafijuddin Ansary

FORM - B

Date of Offence	27.07.2022 & 02.08.2022
Date of F.I.R.	07.09.2022
Date of Police report	30.09.2022
Date of framing Charge/ Plea against the accused	17.11.2023
Date of commencement of Evidence	17.01.2024
Date of examination of the accused u/s. 313 of the Cr.P.C.	13.03.2026
Date on which Judgment is reserved	N/A
Date of Judgment	13.03.2026
Date of the Sentencing Order, if any	N/A

Accused details:

Rank of Accused	Name of the Accused	Date of arrest/ surrender	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
A1.	Alimuddin Ansari	14.09.22	14.09.22	U/s- 323/441/ 442/506/ 34 of IPC	Acquitted	N/A	N/A
A2.	Ajimuddin Ansari	14.09.22	14.09.22	U/s- 323/441/ 442/506/ 34 of IPC	Acquitted	N/A	N/A

FORM - C

A. Prosecution:

LIST OF PROSECUTION /DEFENCE /COURT WITNESSES

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
W1.	Sadimoni Ansary	
W2.	Samsuddin Ansary	
W3.	Baneswar Rajwar	
W4.	Abul Ansary	
W5.	Lukman Ansary	

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

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

LIST OF PROSECUTION /DEFENCE /COURT EXHIBITS

A. Prosecution:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1	1 (series)	Signatures of P.W 1 in the written complaint

B. Defence:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

C. Court Exhibits :

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

D. Material Objects:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

JUDGMENT

This is a case u/s 323/441/442/506/34 of IPC. The prosecution case in short is that on 27/07/22 the accused persons broke the boundary wall of the complainant and when he protested he was physically assaulted. Thereafter on 02/08/22 the accused persons abused the complainant in filthy languages and assaulted him and his son Lukman Ansary. They

also took away 15 - 20 bamboos from the house of the complainant. As a result, the complainant received injury and was treated at Purulia Deben Mahato Sadar Hospital.

On the basis of such complaint, Para P.S. chalked out formal FIR being no. 116/22 dt. 07/09/2022 u/s 323/325/441/442/506/120B of IPC against the accused persons.

Thereafter, the case was investigated by the ASI of police Sk. Guljar of Para P.S. who after completion of the investigation, submitted charge sheet being no. 108/22 dt. 30/09/22 u/s 323/441/442/506/120B/34 of IPC against the accused persons.

Thereafter, on 05/11/2022 plea was made u/s 323/441/442/506/34 of IPC against the accused persons to which they pleaded not guilty and claimed to be tried.

Thereafter, the prosecution started to examine c/s witnesses and the prosecution had examined the following witnesses:-

P.W.1 - Sadimoni Ansary.

P.W. 2 - Samsuddin Ansary.

P.W. 3 - Baneswar Rajwar.

P.W. 4 - Abul Ansary.

P.W. 5 - Lukman Ansary.

After closure of the prosecution evidence, the accused persons were examined u/s 313 Cr. PC. As no defence witness was adduced, argument was heard for both parties.

POINTS FOR DETERMINATION

- a) Whether the prosecution has been able to prove the offence u/s 323/441/442/506/34 of IPC against the accused persons beyond the shadow of all reasonable doubts?

DECISION WITH REASONS

Having heard both sides and after perusal of the materials on record now let me scan the evidence from the case record.

P.W. 1 Sadimoni Ansary deposed that he lodged complaint against the accused persons and identified them in Court. The incident occurred on 27/07/22 at about 08:00 AM to 09:00 AM in RS plot nos. 510 and 511. The accused persons broke his boundary wall and when he protested they assaulted him. When his son Lukman Ansary came to rescue him he was also assaulted. Some local people came and rescued them. The accused persons also took away 10 – 11 bamboos from his land. He was treated at Purulia. His signatures in the written complaint were marked as Exhibit-1 (series).

During his cross examination he admitted that he informed the matter to the P.S after five days of the incident. He failed to state to topography of the P.O. He further admitted that a civil suit is pending regarding plot nos. 510 and 511.

P.W. 2 Samsuddin Ansary deposed that his father lodged complaint against the accused persons and identified them. The incident occurred in 2022 at about 07:00 AM at our bamboo garden. The accused persons demolished their boundary wall and cut away some bamboos. He admitted that he did not see the incident and subsequently came to know about the same.

During his cross examination he admitted that police never interrogated him.

P.W. 3 Baneswar Rajwar deposed that the complainant is known to him. But he failed to state anything about the incident.

P.W. 4 Abul Ansary deposed that the complainant is his uncle. But he also failed to state anything about the incident.

P.W. 5 Lukman Ansary deposed that his father lodged complaint Court against the accused persons and identified them. The incident occurred in 2 years ago at about 08:00 AM in plot no. 510. The accused persons forcefully constructed chala over their property and when his father protested, they assaulted him with lathi. His father received injury in his ribs and was treated at Purulia Medical College.

During his cross examination he failed to state the date of lodging the complaint and admitted that accused Alimuddin is a co-sharer of plot no.510. He also admitted that whatever he deposed was heard by him.

It appears from the evidence on record that P.W.3 and P.W.4 did not support the prosecution case at all. P.W.2 only stated about demolition of the boundary wall and cutting of bamboos by the accused persons and nothing else. He further admitted that he did not see the incident. Therefore, his evidence is hearsay in nature.

The version of P.W.1 i.e. the de facto complainant is full of contradiction. As per the FIR as well as his version, the accused persons assaulted him as well as his son Lukman Ansary. But P.W.5 Lukman Ansary himself did not narrate anything as to his assault. Further, he admitted that he only heard about the incident. Therefore, it is clear that P.W.5 was not present at the P.O at the time of the incident as claimed by P.W.1.

Apart from that, there is no medical evidence regarding the alleged assault and there is no independent witness of the incident also. Further, the prosecution witnesses themselves admitted about civil dispute between the parties and therefore, the probability of false implication cannot be totally wiped away. Accordingly, there is no conclusive evidence that the accused persons assaulted and threatened the complainant and his son by committing criminal trespass.

Under the position of evidence, I do not find the accused persons guilty of the charge brought against them. In other words, the prosecution has failed to prove the offence u/s 323/441/442/506/34 of

IPC against the accused persons beyond the shadow of all reasonable doubts.

Hence it is

ORDERED

that the accused persons namely Alimuddin Ansari and Ajimuddin Ansari are not found guilty of the offence u/s 323/441/442/506/34 of IPC and they are acquitted in terms of section 255(1) of Cr.P.C. and are also discharged from the bail bonds as furnished by them.

The instant case stands disposed off.

Seized alat, if any, be disposed off in accordance with law after expiry of the appeal period.

Note in the TR and upload the judgment in the CIS.

Dictated and corrected
by me:

Sd/-
Additional Chief Judicial Magistrate,
2nd Court,
Raghunathpur, Purulia.

Sd/-
Additional Chief Judicial Magistrate,
2nd Court,
Raghunathpur, Purulia.