



<p>In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 07th day of March, 2026] [G.R. Case No. 755 of 2024] [CIS Registration No. 169 of 2025] CNR No.WBPU060002342025 (Arising out of Adra P.S. Case No. 96 of 2024 dated 08.11.2024 under section 329(3)/115(2)/117(2)/351(2)(3)/3(5) of BNS)</p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C Adra POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	1.Madan Bauri 2.Pandabeswar Bauri
REPRESENTED BY	Ravi Sharma

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	08.11.2024
Date of FIR	08.11.2024
Date of Charge-sheet	31.12.2024
Charge	10.03.2025
Date of commencement of evidence	10.12.2025
Date on which judgment is reserved	07.03.2026
Date of the Judgment	07.03.2026
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 Undergone during trial for purpose of Section 428 Cr.P.C.
1.	Madan Bauri	09.11.2024 (arrested)	22.11.2024	329(3)/115(2)/117(2)/351(2)(3)/3(5) of BNS	Acquitted.	NA	NA
2.	Pandabeswar Bauri	25.11.2024 surrendered	25.11.2024	329(3)/115(2)/117(2)/351(2)(3)/3(5) of BNS	Acquitted.	NA	NA

Form CList of Prosecution/ Defence/ Court WitnessesA. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
PW1	Jayanta Kumar Bauri	Informant
PW2	Sadhu Bauri	Victim

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 P1/1	Signature of Jayanta Kumar Bauri on written complaint	09.04.2025

• 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
NIL	NIL	NIL

J U D G M E N T

The prosecution case, in brief, is that on 08.11.2024 at about 12:20 hours at village Beko within Adra Police Station, the accused persons Madan Bauri and Pandabeswar Bauri allegedly entered into the house of the complainant and assaulted Sadhu Bauri by using lathi and by fist blows due to previous enmity. As a result of the alleged assault, the victim sustained injuries and was admitted to Raghunathpur Sub Divisional Hospital for treatment.

On the basis of the written complaint lodged by Jayanta Kumar Bauri on



08.11.2024, Adra PS Case No. 96 of 2024 dated 08.11.2024 was registered under Sections 329(3)/115(2)/117(2)/351(2)(3)/3(5) of the BNS. After completion of investigation, the Investigating Officer submitted Charge Sheet No. 83/2024 dated 31.12.2024 against the accused persons Madan Bauri and Pandabeswar Bauri.

Evidence adduced

Two witnesses in this case have been examined and cross examined as PW01 and 02 No other witness has been examined on behalf of the prosecution. 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 2024 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 309 of the Criminal Procedure Code 1973 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 313 of the Code of Criminal Procedure, 1973. 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 as per requirement of Section 354 of the Cr.P.C 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 section 329(3)/115(2)/117(2)/351(2)(3)/3(5) of BNS?

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.



In order to arrive at a proper and judicious adjudication, the foremost issue that requires consideration is upon whom the burden of proof lies and to what extent such burden is required to be discharged. It is a settled principle of criminal jurisprudence that the accused enjoys a presumption of innocence, and the well-established rule of evidence, having received consistent judicial sanction, is that the prosecution must prove the guilt of the accused by establishing all the essential ingredients of the offence alleged against him. The test for determining what constitutes proof of guilt in a criminal trial has been clearly enunciated by the Hon'ble Apex Court. While in civil cases a fact may be said to be proved by a mere preponderance of probabilities, in criminal cases the prosecution is required to prove the charge beyond reasonable doubt.

In AIR 1966 SC 01, the Hon'ble Supreme Court observed at page 3 as follows: "If upon the evidence adduced in the case, whether by the prosecution or by the accused, a reasonable doubt is created in the mind of the Court as regards one or more of the ingredients of the offence, including the mens rea of the accused, he would be entitled to be acquitted."

Thus, from the aforesaid discussion and the settled principles governing criminal trials as laid down in a catena of decisions of the Hon'ble Courts, there remains no ambiguity with regard to the legal proposition that the general burden of proof always rests upon the prosecution. If, upon appreciation of the evidence adduced by the prosecution or the defence, a reasonable doubt arises as to whether the accused committed the alleged offence, the accused is entitled to the benefit of such doubt and consequently to an acquittal.

Guided by the aforesaid principles of law, this Court is now required to meticulously scrutinize the evidence available on record in order to ascertain whether the prosecution has been able to prove the acts or occurrences constituting the alleged offences and whether it has successfully established a nexus between the accused persons and the commission of such offences. It therefore becomes necessary to undertake a detailed examination of the evidence on record.

As already observed hereinabove, before criminal liability can be fastened upon the accused, the prosecution bears the onerous and invariable burden of proving, beyond reasonable doubt, that the accused committed the alleged offence with the requisite mens rea. Such burden rests upon the prosecution from the inception of the trial till its culmination.

In the present case, the accused persons Madan Bauri and Pandabeswar Bauri have been sent up for trial for the alleged commission of offences punishable under Sections 329(3)/115(2)/117(2)/351(2)(3)/3(5) of the Bharatiya Nyaya Sanhita.

In order to establish the guilt of the accused persons, the prosecution is legally bound to prove its case beyond all reasonable doubt. It is a settled principle of criminal jurisprudence that the burden of proof always lies upon the prosecution and the accused persons are presumed to be innocent until their guilt is proved by reliable and convincing evidence.

In the present case, the prosecution has examined only two witnesses namely the informant Jayanta Kumar Bauri and the alleged victim Sadhu Bauri. The entire prosecution case rests primarily upon their testimonies.



PW1 Jayanta Kumar Bauri, who is the informant of the case, during his further examination-in-chief clearly stated before the Court that he has no personal knowledge about the incident and that he had not witnessed the occurrence. Furthermore, during his cross-examination he categorically stated that he does not want to proceed with the case as the case was filed due to misunderstanding and he has no objection if the accused persons are set free. Thus, the informant himself has not supported the prosecution case and has completely disowned the allegations made in the FIR.

Similarly, PW2 Sadhu Bauri, who is the alleged victim of the incident, has also not supported the prosecution case. During his examination-in-chief he stated that he does not remember anything about the case. During cross-examination he further stated that he has no objection if the accused persons are acquitted from the case. Therefore, the alleged victim himself has also failed to support the prosecution version.

Thus, both the material witnesses of the prosecution case have turned hostile and have failed to support the prosecution story. Their evidence does not establish any act of assault by the accused persons. In absence of any supporting testimony from the informant or the victim, the very foundation of the prosecution case collapses.

It is well settled that conviction cannot be based upon mere suspicion or the contents of the FIR alone when the witnesses examined before the Court do not support the prosecution case.

In *Sharad Birdhichand Sarda vs State of Maharashtra* (1984) 4 SCC 116, the Hon'ble Supreme Court held that suspicion, however strong, cannot take the place of proof and the prosecution must establish the guilt of the accused beyond reasonable doubt.

Further, in *Kali Ram vs State of Himachal Pradesh* (1973) 2 SCC 808, the Hon'ble Supreme Court laid down the fundamental principle that if two views are possible from the evidence on record, the view favourable to the accused must be adopted and the accused must be given the benefit of doubt.

In *Vijayee Singh vs State of Uttar Pradesh* (1990) 3 SCC 190, the Hon'ble Supreme Court observed that where the witnesses fail to support the prosecution case and there is no other reliable evidence available on record, the accused persons are entitled to acquittal.

In the present case, the prosecution has failed to produce any reliable evidence to prove the alleged assault by the accused persons. The informant and the victim themselves have not supported the prosecution case and no other independent witness has been examined before the Court to prove the occurrence. The medical officers and the investigating officer were also not examined.

Therefore, there is absolutely no legally admissible evidence on record which could connect the accused persons with the alleged offences. The prosecution has thus miserably failed to prove the charges against the accused persons beyond reasonable doubt.

Accordingly, in view of the evidence on record and the settled principles of criminal jurisprudence relating to appreciation of evidence and benefit of doubt, this Court is of the considered opinion that the accused persons are entitled to the benefit of doubt.



Hence, the accused persons Madan Bauri and Pandabeswar Bauri are liable to be acquitted from the charges levelled against them.

Hence; it is

ORDERED

that the accused person, namely 1.Madan Bauri 2.Pandabeswar Bauri are found to be not guilty of committing the offence under section 329(3)/115(2)/117(2)/351(2)(3)/3(5) of BNS and they are hereby acquitted of the charges framed against them as per section 248 sub-section (1) of the Criminal Procedure Code 1973. He is also discharged from the liability of their respective bail-bond and set at liberty. The surety is 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: 07.03.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;

Judicial Magistrate 1st Court
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