



In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 02nd day of June, 2026] [G.R. Case No. 49 of 2020] [CIS Registration No. 174 of 2021] CNR No.WBPU060002672021 (Arising out of Adra P.S. Case No. 08 of 2020 dated 06.02.2020 under section 341/323/506/34 of IPC)	
Complainant	STATE OF WEST BENGAL THROUGH O/C Adra POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	1.Prasenjit Banerjee 2.Manu Mandal
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	06.02.2020
Date of FIR	06.02.2020
Date of Charge-sheet	31.03.2020
Date of Plea	12.07.2022
Date of commencement of evidence	03.09.2022
Date on which judgment is reserved	02.06.2026
Date of the Judgment	02.06.2026
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 Undergone during trial for purpose of Section 428 Cr.P.C.
1.	Prasenjit Banerjee	28.04.2021 (surrendered)	28.04.2021	341/323/506/34 of IPC	Acquitted.	NA	NA



2.	Manu Mandal	09.06.2022 (surrendered)	09.06.2022	341/323/506/34 of IPC	Acquitted.	NA	NA
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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	Samrat Singh	Complainant / Injured witness
PW2	Jay Shankar Yadav	Alleged post-occurrence witness
PW3	Abhishek Majee	Formal witness
PW4	Satyendra Kumar Yadav	Formal witness
PW5	Manas Kumar Panda	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 Number	Description	Date
1	Exhibit-P1	Signature of complainant on written complaint	03.09.2022
2	Exhibit-P2	Signature of SI Subrata Sadhu on complaint	17.03.2026
3	Exhibit-P3	Formal FIR	17.03.2026
4	Exhibit-P3/1	Signature on FIR	17.03.2026
5	Exhibit-P4	Rough sketch map of place of occurrence	17.03.2026
6	Exhibit-P5	Index of sketch map	17.03.2026

• 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 06.02.2020 at about 20:00 hours, the de facto complainant, namely Samrat Singh, while returning home, was allegedly wrongfully restrained in front of Pragati Club under Hati Park area within the jurisdiction of Adra Police Station by the accused persons, namely Prasenjit Banerjee and Manu Mandal, along with some other associates. It is alleged that the accused persons assaulted the complainant by fist and blows and further used a lathi, thereby causing injuries to him, and also criminally intimidated him with threats.

On the basis of a written complaint lodged by the complainant on the same day, Adra P.S. Case No. 08/2020 dated 06.02.2020 was registered under Sections 341/323/506/34 of the Indian Penal Code, and the investigation of the case was taken up by the Investigating Officer.

During the course of investigation, the Investigating Officer visited the place of occurrence, prepared a rough sketch map with index, examined the complainant and other available witnesses under Section 161 of the Code of Criminal Procedure, and collected relevant materials connected with the case. Upon completion of investigation, the Investigating Officer found prima facie materials against the accused persons.

Accordingly, the Investigating Officer submitted Charge Sheet No. 16/2020 dated 31.03.2020 against the accused persons, namely Prasenjit Banerjee and Manu Mandal, under Sections 341/323/506/34 of the Indian Penal Code, showing the case to be true. Thereafter, the accused persons appeared before the Court and were released on bail, and the case proceeded in accordance with law.

Evidence adduced

Only five witnesses have been examined and cross-examined in this case as PW1 to PW5, 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 341/323/506/34 of 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 Samrat Singh during his examination-in-chief stated that he is the complainant of the case and knows the accused persons, namely Prasenjit Banerjee and Manu Mandal. He stated that on 06.02.2020 in the evening, while he was returning home after having food, in front of Pragati Club, the accused persons assaulted him by fist and blows and also by lathi. He further stated that he sustained injuries on his face, back and shoulder. He proved his signature on the written complaint which was marked as Exhibit-P1. He also stated that the complaint was written by a scribe. He further stated that he would be able to identify the accused persons if produced before the Court.

During his cross-examination, he stated that there are political rivalries between him and the accused persons and that cases are pending between them. He admitted that he did not produce any medical documents or prescriptions before the Investigating Officer. He further stated that he cannot say who were present at the place of occurrence at the time of incident and he cannot name the owner of the shop where he had gone earlier. He also stated that he narrated the incident to the police over phone initially. He denied the suggestion that the case was false.

During his further cross-examination, he stated that he cannot read Bengali and cannot say what was written in the complaint. He admitted that he did not submit any medical documents to the Investigating Officer. He denied the suggestion that the case was falsely instituted due to political rivalry.

PW2 Jay Shankar Yadav during his examination-in-chief stated that he knows the complainant and the accused persons. He stated that the incident took place sometime between January and February 2020 in the evening hours at Hatipark. He further stated that he reached the place of occurrence after some time of the incident and found many persons gathered there. He also stated that he was not examined by the police during investigation.



During his cross-examination, no questions were put to him by the defence.

PW3 Abhishek Majee during his examination-in-chief stated that he knows the complainant but does not know anything about the incident of the case.

PW4 Satyendra Kumar Yadav during his examination-in-chief stated that he knows the complainant but does not remember anything about the case.

PW5 Manas Kumar Panda during his examination-in-chief stated that he is the Investigating Officer of the case. He stated that the complaint was received and the signature on the complaint was marked as Exhibit-P2. He proved the formal FIR which was marked as Exhibit-P3 and the signature thereon as Exhibit-P3/1. He further stated that he visited the place of occurrence, prepared the rough sketch map and index which were marked as Exhibit-P4 and Exhibit-P5 respectively. He also stated that he examined the witnesses under Section 161 Cr.P.C. and after completion of investigation submitted charge sheet No. 16/2020 dated 31.03.2020 under Sections 341/323/506 IPC.

During his cross-examination, he admitted that the complainant did not state before him under Section 161 Cr.P.C. that Manu Mandal stopped him and Prasenjit Banerjee assaulted him by fist, blow and lathi. He further stated that he did not verify the background of the complainant. He denied the suggestion that no such incident took place or that the investigation was perfunctory in nature. Upon careful and anxious consideration of the entire evidence on record, both oral and documentary, this Court proceeds to analyse the case on the touchstone of settled principles of criminal jurisprudence.

At the outset, it is a cardinal principle of criminal law that the prosecution must prove its case beyond all reasonable doubt, and the burden never shifts upon the accused. The accused is entitled to the benefit of every reasonable doubt arising from the evidence on record.

In the present case, the prosecution has examined five witnesses, out of whom PW1 is the complainant and alleged injured witness, PW2 is a post-occurrence witness, PW3 and PW4 are not supporting witnesses, and PW5 is the Investigating Officer.

The entire prosecution case substantially rests upon the sole testimony of PW1. It is well settled that conviction can be based on the testimony of a solitary witness if the same is found to be wholly reliable and trustworthy. However, where the testimony suffers from material inconsistencies, contradictions, and lacks corroboration, the Court must exercise caution.

In the present case, PW1 has alleged that the accused persons assaulted him by fist, blows and lathi. However, it is admitted by PW1 during cross-examination that he has not produced any medical document or injury report to substantiate the alleged assault. In a case involving allegation of physical assault causing injury, the absence of medical evidence assumes significance, particularly when the injuries are not trivial in nature. This omission creates a serious doubt regarding the manner and extent of the alleged assault.

Further, PW5, the Investigating Officer, has categorically admitted in his



cross-examination that PW1 did not state before him under Section 161 Cr.P.C. that Manu Mandal stopped him and Prasenjit Banerjee assaulted him by fist, blow and lathi. This omission amounts to a material contradiction affecting the credibility of PW1. Such improvement in Court casts a serious doubt upon the veracity of his testimony.

Moreover, PW1 himself has admitted existence of political rivalry between him and the accused persons and pendency of other cases. This fact introduces a possibility of false implication due to enmity, which requires independent corroboration. However, no such corroboration is forthcoming.

PW2, who is cited as a witness, has clearly stated that he reached the place of occurrence after the incident and found many persons gathered there. Thus, he is not an eye-witness to the occurrence and his testimony does not advance the prosecution case.

PW3 and PW4 have completely failed to support the prosecution case and have stated that they do not know anything about the incident. Their evidence renders no assistance to the prosecution.

Thus, except the interested testimony of PW1, there is no direct evidence implicating the accused persons. The testimony of PW1 is not corroborated by any independent witness, though the alleged place of occurrence is a public place. Non-examination of independent witnesses available at the place of occurrence further weakens the prosecution case.

Another important aspect is that PW1 has stated that he cannot read Bengali and cannot say what was written in the complaint. This raises doubt regarding the authenticity and contents of the written complaint, which forms the foundation of the prosecution case.

The cumulative effect of the above discrepancies, contradictions, omissions, absence of medical evidence, lack of independent corroboration, and possibility of false implication due to admitted enmity creates a reasonable doubt in the prosecution case.

In criminal trial, suspicion, however strong, cannot take the place of proof. The evidence on record falls short of the standard required for recording conviction. The prosecution has failed to establish the guilt of the accused persons beyond reasonable doubt.

Accordingly, giving the benefit of doubt to the accused persons, this Court is of the considered view that the prosecution has failed to prove the charges under Sections 341/323/506/34 of the Indian Penal Code.

Hence, the accused persons are entitled to be acquitted.

Hence; it is

ORDERED

that the accused persons, namely 1. Prasenjit Banerjee 2. Manu Mandal are found to be not guilty of committing the offence under section 341/323/506/34 of IPC. and they are hereby acquitted of the charges framed against him as per section 255 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: 02.06.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;