

FORM - A

<p>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE 2ND COURT, RAGHUNATHPUR, DISTRICT - PURULIA Present : <i>Debayan Ganguly</i> Additional Chief Judicial Magistrate 2nd Court Raghunathpur, Purulia J.O. Code: WB01313 Date of the Judgment: 16th day of March, 2026 Case No. GR: 711/23 TR: 77/25 (CIS Registration No. 212/2025) (CNR No.- WBPU06-000297-2025) (Arising from Para P.S Case No. 107/23 dated 12/12/2023)</p>	
Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	1. Pampa Modak 2. Subodh Modak
Represented by	Name of Advocate: Bidyut Sarkar

FORM - B

Date of Offence	12.12.2023
Date of F.I.R.	12.12.2023
Date of Police report	31.12.2023
Date of framing Charge/Plea against the accused	11.02.2026
Date of commencement of Evidence	13.03.2026
Date of examination of the accused u/s. 313 of the Cr.P.C.	16.03.2026
Date on which Judgment is reserved	N/A
Date of Judgment	16.03.2026
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.	Pampa Modak	22.12.23	22.12.23	U/s- 448/323/ 354B/506 /34 of IPC	Acquitted	N/A	N/A
A2.	Subodh Modak	22.12.23	22.12.23	U/s- 448/323/ 354B/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.	Laxmi Modak	
W2.	Manoj Modak	

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	P-1	FIR
2	P-1/1	Signature of P.W.1 in the FIR

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 448/323/354B/506/34 of IPC. The prosecution case in short is that on 12/12/23 at about 10:30 AM the accused persons were abusing the complainant due to some previous dispute. When the complainant and her husband protested, the accused Pampa Modak assaulted the husband of the complainant with a lathi. When the complainant tried to rescue her husband, the accused Subodh Modak assaulted her and pulled her saree. The husband of the complainant received bleeding injury in his head. Some local people came hearing the shouting and the accused persons fled away. The complainant and her husband were treated at Para hospital.

On the basis of such complaint, Para P.S. chalked out formal FIR being no. 107/23 dt. 12/12/2023 u/s 448/323/325/354B/506/34 of IPC against the accused persons.

Thereafter, the case was investigated by the ASI of police Sanjoy Dey of Para P.S. who after completion of the investigation, submitted charge sheet being no. 108/23 dt. 31/12/23 u/s 448/323/354B/506/34 of IPC against the accused persons.

Thereafter, on 11/02/2026 charge was framed u/s 448/323/354B/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 - Laxmi Modak.

P.W. 2 - Manoj Modak.

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 u/s-448/323/354B/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 Laxmi Modak deposed that she lodged complaint in Para P.S against the accused persons and identified them in Court. She lodged complaint due to some family dispute. Apart from that she failed to recollect anything more regarding the incident. The FIR was marked as Exhibit-P-1 and her signature in the same was marked as Exhibit-P-1/1.

P.W. 2 Manoj Modak deposed that his wife lodged complaint in Para P.S against the accused persons and identified them in Court. His wife lodged complaint due to some family dispute. Apart from that he failed to recollect anything more regarding the incident.

From the evidence on record it appears that both P.W.1 i.e. the de facto complainant herself and P.W.2 did not support the prosecution case. They only stated that the complaint was lodged due to some family dispute and nothing else. Accordingly, there is no evidence that the accused persons assaulted, threatened the complainant and her husband and outraged the modesty of the complainant by committing house 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 miserably failed to prove the offence u/s 448/323/354B/506/34 of IPC against the accused persons beyond the shadow of all reasonable doubts.

Hence it is

ORDERED

that the accused persons namely Pampa Modak and Subodh Modak are not found guilty of the offence u/s 448/323/354B/506/34 of IPC and they are acquitted in terms of section 248(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.