

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: 10th day of March, 2026 Case No. GR: 761/24 TR: 107/25 (CIS Registration No. 308/2025) (CNR No.- WBPU06-000497-2025) (Arising from Para P.S Case No. 159/24 dated 11/11/2024)</p>	
Complainant	State of West Bengal
Represented by	Name of Advocate: Rabi Sharma
Accused	1. Rajesh Bauri 2. Chayan Bauri 3. Joydeb Bauri 4. Shyamapada Bauri 5. Basanta Bauri
Represented by	Name of Advocate: Parimal Chowdhury

FORM - B

Date of Offence	11.11.2024
Date of F.I.R.	11.11.2024
Date of Police report	30.11.2024
Date of framing Charge against the accused	07.11.2025
Date of commencement of Evidence	30.12.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	10.03.2026
Date on which Judgment is reserved	N/A

Date of Judgment	10.03.2026
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.	Rajesh Bauri	14.11.24	14.11.24	U/s- 329(4)/11 5(2)/74/32 4(4)/3(5) of BNS	Acquitted	N/A	N/A
A2.	Chayan Bauri	14.11.24	14.11.24	U/s- 329(4)/11 5(2)/74/32 4(4)/3(5) of BNS	Acquitted	N/A	N/A
A3.	Joydeb Bauri	14.11.24	14.11.24	U/s- 329(4)/11 5(2)/74/32 4(4)/3(5) of BNS	Acquitted	N/A	N/A
A4	Shyamapada Bauri	14.11.24	14.11.24	U/s- 329(4)/11 5(2)/74/32 4(4)/3(5) of BNS	Acquitted	N/A	N/A
A5	Basanta Bauri	14.11.24	14.11.24	U/s- 329(4)/11 5(2)/74/32 4(4)/3(5) of BNS	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.	Bandana Bauri	
W2.	Bijay Bauri	
W3.	Sumitra Bauri	

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

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 329(4)/115(2)/74/324(4)/3(5) of BNS. The prosecution case in short is that on 11/11/24 at about 07:00 AM the complainant was doing house hold works. At that time the accused persons came to her house with deadly weapons and abused her in filthy languages. They also assaulted her by fists and blows and demolished the boundary wall and put bamboo fencing forcefully.

On the basis of such complaint, Para P.S. chalked out formal FIR being no. 159/24 dt. 11/11/2024 u/s 329(4)/115(2)/74/324(4)/3(5) of BNS against the accused persons.

Thereafter, the case was investigated by the ASI of police Sisir Kumar Mahato of Para P.S. who after completion of the investigation, submitted charge sheet being no. 136/24 dt. 30/11/24 u/s 329(4)/115(2)/74/324(4)/3(5) of BNS against the accused persons.

Thereafter, on 07/11/2025 charge was framed u/s 329(4)/115(2)/74/324(4)/3(5) of BNS 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 – Bandana Bauri.

P.W. 2 – Bijay Bauri.

P.W. 3 – Sumitra Bauri.

After closure of the prosecution evidence, the accused persons were examined u/s 351 of BNSS. 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 329(4)/115(2)/74/324(4)/3(5) of BNS 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 Bandana Bauri deposed that she lodged complaint in Para P.S against Rajesh Bauri, Chayan Bauri, Joydeb Bauri, Basanta Bauri and Tara Bauri and identified Joydeb, Rajesh and Chayan in Court. The incident occurred in the month of Kartik one year ago at about 08:00 AM at her door steps. On that day the accused persons were putting bamboo fencing upon their land and when she protested, Rajesh Bauri assaulted her. Her head was dashed against a concrete boulder. Chayan Bauri gave fist blows to her but she did not receive any injury as her husband rescued her. She got treated at Para hospital as she received injury in her hands and legs. She admitted that they have a property dispute with the accused.

During her cross examination she admitted that the accused persons filed a counter case against them which is still pending. No local people were present at the time of the incident.

P.W. 2 Bijay Bauri deposed that his sister in law Bandana Bauri lodged complaint in Para P.S against Rajesh Bauri, Shyam Bauri, Basanta Bauri, Kartik Bauri and Paresh Bauri. The incident occurred 2 years ago at about 08:00 AM at his house. On that day a dispute cropped up between the complainant and the accused regarding property and Rajesh threatened to assault the complainant. Apart from that nothing more happened.

P.W. 3 Sumitra Bauri deposed that her aunt Bandana Bauri lodged complaint in Para P.S but she failed to state the name of the accused persons as well as the incident.

From the evidence on record it appears that P.W.3 did not support the prosecution case at all. She clearly stated that she has no idea regarding the incident. P.W.2 deposed that Rajesh only threatened to assault the complainant regarding property dispute and nothing more happened. Such version of P.W.2 is completely contrary to the version of P.W.1. He also failed to state the name of all the accused persons properly.

P.W.1 i.e. the de facto complainant herself deviated from the written complaint to a great extent. As per the FIR, all the accused persons came to her house with deadly weapons, abused her and assaulted her by fists and blows as well as demolished the boundary wall. But during the trial she took the name of Rajesh and Chayan only and stated nothing against the other accused persons. She stated nothing regarding the abuse and demolition of boundary wall by the accused persons.

Apart from that, she once stated that she did not receive any injury but on the very next moment she stated that she received injury in her hands and legs. She failed to state the exact date and time of the incident as well as the name of all the accused persons correctly. So, the version of P.W.1 is completely contradictory and should not be relied upon.

Not only that, P.W.1 herself admitted that a counter case is pending against them regarding the same incident. There is no medical evidence regarding the alleged assault. Accordingly, there is no evidence that the accused persons assaulted and outraged the modesty of the complainant by committing criminal trespass. There is also no evidence regarding any damage caused by them.

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 329(4)/115(2)/74/324(4)/3(5) of BNS against the accused persons beyond the shadow of all reasonable doubts.

Hence it is

ORDERED

that the accused persons namely Rajesh Bauri, Chayan Bauri, Joydeb Bauri, Shyamapada Bauri and Basanta Bauri are not found guilty of the offence u/s 329(4)/115(2)/74/324(4)/3(5) of BNS and they are acquitted in terms of section 271(1) of BNSS 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.

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Additional Chief Judicial Magistrate,
2nd Court,
Raghunathpur, Purulia.