



<p>In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 10th day of March, 2026] [G.R. Case No. 10 of 2021] [CIS Registration No. 375 of 2023] CNR No.WBPU060005482023 (Arising out of Raghunathpur P.S. Case No. 01 of 2021 dated 05.01.2021 under section 341/323/354/506 of IPC)</p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C RAGHUNATHUR POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	Heno Hansda
REPRESENTED BY	Parimal Chowdhury

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	04.01.2021
Date of FIR	05.01.2021
Date of Charge-sheet	28.02.2021
Charge	08.01.2026
Date of commencement of evidence	12.02.2026
Date on which judgment is reserved	10.03.2026
Date of the Judgment	10.03.2026
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 Detenti on Undergone during trial for purpose of Section 428 Cr.P.C.
1.	Heno Hansda	01.02.2021 (surrendered)	01.02.2021	341/323/354/506 of IPC	Acquitted.	NA	NA

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	Amal Dhibar	Scribe of complaint
PW2	Nilini Hansda	Complainant / Victim
PW3	Mintu Swarnakar	Local witness
PW4	Fulchand Hansda	Husband of complainant

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	Written complaint	12.02.2026
2	Exhibit P1/1	Signature of complainant on complaint	12.02.2026

• **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
NIL	NIL	NIL

JUDGMENT

The brief fact of the prosecution case is that on 05.01.2021 the complainant Nilini Hansda lodged a written complaint before Raghunathpur Police Station alleging that on 04.01.2021 at about 05:00 PM the accused Heno Hansda came to her house and wrongfully restrained her, assaulted her and used filthy language. It was further alleged that the accused pushed the complainant, outraged her modesty and threatened her and her family members with dire consequences.

On the basis of the said complaint, Raghunathpur P.S. Case No. 01/2021 dated 05.01.2021 was registered under Sections 341/323/324/354/506 IPC. After completion of investigation the Investigating Officer submitted Charge Sheet No.



19/2021 dated 28.02.2021 under Sections 341/323/354/506 IPC against the accused person Heno Hansda.

During investigation the accused surrendered before the Court and was released on bail on 01.02.2021. Subsequently the case proceeded to trial.

Evidence adduced

Only four witnesses in this case have been examined and cross examined as PW01 and 04 No other witness has been examined on behalf of the prosecution. Subsequently the Id APP has prayed for closure of further prosecution evidence on the ground that no incriminating material is forth coming against the accused person and leading of further evidence will not serve any purpose. After considering every possible facet and the quality of the evidences on record, the prayer of the accused person was allowed because production of further witnesses and dragging this case any further in violation to the provisions of section 309 of the Criminal Procedure Code 1973; appeared to be absolutely unnecessary. 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 2021 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 341/323/354/506 of IPC?

Decision with reason

Point number 01 and 02:

As because both the above mentioned points for determination are inter related with each other, for the sake of convenience and brevity both the points will be discussed jointly in this judgment. Ld lawyer for the accused person during the course of argument submitted that the prosecution has miserably failed to prove the charges framed against the accused person and for that reason the accused person must be acquitted. He further submitted that the witnesses



examined in this case have failed to say any thing from which the charges made against the accused person can be said to have been proved and hence the accused person are liable to be acquitted. Ld A.P.P raised cavil against the prayer of the accused person. To the contrary she submitted that there are not sufficient materials from which it can be said that the case has been proved beyond reasonable doubt.

In order to usher in an apt and sagacious adjudication, the first point that needs discussion is, on whom the burden of proof lies and to what extent that needs to be discharged. In criminal jurisprudence the accused always has a presumption of innocence in his favour and the rule of evidence which has received judicial sanction is; the prosecution must prove the guilt of the accused, i.e., it must establish all the ingredients of the offence with which he is charged. The anvil for testing and interpreting what constitutes 'prove of guilt' in a criminal trial has been formulated by the Honourable Apex Court. While in civil cases facts may be proved by a mere preponderance of evidence, whereas in criminal cases the prosecution must prove the charge beyond reasonable doubt. In AIR 1966 SC 01 it was observed by the Honourable Apex Court on page 3, that:-

"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 mens rea of the accused he would be entitled to be acquitted."

Thus from the above discussion and based on the canons of criminal trial that has been formulated by catena of decisions of the Honourable Courts, there is no quandary over the legal proposition that the general burden of proof is always upon the prosecution; and if, on the basis of the evidence adduced by the prosecution or by the accused, there is a reasonable doubt whether the accused committed the offence he is entitled to the benefit of doubt and is liable to be acquitted from the charges. Thus being guided by the above proposition of law; this court must set out a voyage in the evidences available on record to see whether the prosecution has been able to prove the act/ occurrences which constitute the offences and whether it has managed to connect the accused person with such offences. Therefore it is now necessary to conduct a detailed probe into the evidences available on record.

As already pronounced in this judgment before the felony can be established; the prosecution is vested with the indelible duty to prove beyond reasonable doubt that the accused person had committed the offence with the requisite mens rea; and the burden of proving that always rests on the prosecution from the beginning to the end of the trial.

PW1 Amal Dhibar during his examination-in-chief stated that he is the scribe of the case and he wrote the complaint as per the instruction of the complainant. He identified the written complaint and the signature of the complainant thereon. The complaint was marked as Exhibit P1 and the signature of the complainant was marked as Exhibit P1/1.

PW2 Nilini Hansda during her examination-in-chief stated that she filed the case at Raghunathpur Police Station. She stated that the incident took place about three years ago in the evening at about 04:00 PM inside her firm. On that



day the accused Heno Hansda pushed her and abused her in filthy language. She further stated that she was treated at Salka Hospital. During her cross-examination she stated that she had submitted medical documents to the police. She also stated that a few people gathered at the time of the incident but she could not say their names. She denied the suggestion that no such incident took place and also denied that she deposed falsely in this case.

PW3 Mintu Swarnakar during his examination-in-chief stated that he knows the complainant Nilini Hansda but he did not witness the incident and does not know anything about the case.

PW4 Fulchand Hansda during his examination-in-chief stated that the complainant Nilini Hansda is his wife. He further stated that he did not witness the incident and does not know anything about the case.

The accused person has been charge sheeted for the offences punishable under Sections 341, 323, 354 and 506 of the Indian Penal Code. In order to secure conviction, the prosecution must establish the charges against the accused beyond reasonable doubt.

At the outset it is necessary to appreciate the evidence adduced by the prosecution during trial. In the present case four witnesses have been examined. PW1 Amal Dhibar is merely the scribe of the written complaint. His evidence only proves that the complaint was written as per the instruction of the complainant. His testimony does not establish the occurrence of the alleged incident nor does it connect the accused with the alleged offences. PW3 Mintu Swarnakar and PW4 Fulchand Hansda have clearly stated before the Court that they did not witness the incident and they do not know anything about the case. Thus these witnesses have not supported the prosecution case at all and their evidence does not help the prosecution in establishing the alleged incident. Therefore the entire prosecution case rests solely upon the testimony of PW2 Nilini Hansda, the complainant herself.

It is well settled principle of criminal jurisprudence that conviction can be based on the testimony of a single witness if the evidence of that witness is wholly reliable and inspires confidence. However where the testimony suffers from material inconsistencies or lacks corroboration in material particulars, the Court must exercise caution.

In the present case PW2 has stated that she was treated at Salka Hospital and that she submitted medical documents to the police. However, during the trial no medical document has been produced or proved before the Court. The Investigating Officer has also not been examined in the present case. Therefore the alleged injuries of the complainant remain unproved.

Further, the complainant herself admitted during cross-examination that several persons gathered at the place of occurrence but she could not mention their names. None of those persons have been examined before the Court to corroborate her version. The absence of independent corroboration becomes significant particularly when the prosecution alleges offences like assault, criminal intimidation and outraging modesty.

The Hon'ble Supreme Court in the case of Kali Ram v. State of Himachal Pradesh (1973) 2 SCC 808 has held that if two views are possible on the evidence



adduced in the case, the view favourable to the accused must be adopted and the accused is entitled to benefit of doubt.

Similarly, in *Sharad Birdhichand Sarda v. State of Maharashtra* (1984) 4 SCC 116, the Hon'ble Supreme Court reiterated that suspicion, however strong, cannot take the place of proof and the prosecution must prove its case beyond reasonable doubt. Further, in *Vijayee Singh v. State of U.P.* (1990) 3 SCC 190, the Hon'ble Supreme Court held that where the prosecution evidence suffers from serious infirmities and lacks corroboration, the accused must be given the benefit of doubt.

Applying these settled principles to the present case, it appears that the prosecution has failed to produce reliable and convincing evidence to prove the alleged offences beyond reasonable doubt. The independent witnesses have not supported the prosecution case and no medical evidence has been produced to corroborate the allegation of assault.

In criminal trial the burden of proof always lies upon the prosecution and the accused is entitled to the benefit of every reasonable doubt. When the prosecution fails to discharge this burden, the accused cannot be convicted merely on the basis of uncorroborated and doubtful evidence.

Therefore, considering the overall evidence on record, this Court is of the view that the prosecution has failed to establish the charges under Sections 341, 323, 354 and 506 IPC against the accused person beyond reasonable doubt.

Hence; it is

ORDERED

that the accused person, namely Heno Hansda is found to be not guilty of committing the offence under section 341/323/354/506 of IPC and he is hereby acquitted of the charges framed against him as per section 248 sub-section (1) of the Criminal Procedure Code 1973. He is also discharged from the liability of his 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: 10.03.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;

Judicial Magistrate 1st Court
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