



|                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <p><b>In the Court of Judicial Magistrate, 1<sup>st</sup> Court Raghunathpur, Purulia</b><br/>Present: BASHAR NAWAZ, [J.O Code: WB01449]<br/>[On this 10<sup>th</sup> day of June, 2026]<br/>[G.R. Case No. 156 of 2025]<br/>[CIS Registration No. 488 of 2025]<br/><b>CNR No. WBPU060007522025</b><br/><b>(Arising out of Neturia P.S. Case No. 36/2025 dated 03.03.2025</b><br/><b>under section 126(2)/115(2)/117(2)/3(5)/351(3) BNS, 2023)</b></p> |                                                                                |
| Complainant                                                                                                                                                                                                                                                                                                                                                                                                                                            | STATE OF WEST BENGAL THROUGH O/C NETURIA POLICE STATION                        |
| REPRESENTED BY                                                                                                                                                                                                                                                                                                                                                                                                                                         | LD. APP                                                                        |
| ACCUSED                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1. Jiten Mandal 2.Miten Mandal 3.Karpura Mandal 4.Batula Mandal 5.Binoy Mandal |
| REPRESENTED BY                                                                                                                                                                                                                                                                                                                                                                                                                                         | Arnab Roy                                                                      |

**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                      | 03.03.2025                        |
| Date of FIR                          | 03.03.2025                        |
| Date of Charge-sheet                 | 31.03.2025                        |
| Date of Charge                       | 06.09.2025                        |
| Date of commencement of evidence     | 10.02.2026                        |
| Date on which judgment is reserved   | 10.06.2026                        |
| Date of the Judgment                 | 10.06.2026                        |
| 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 Detenti on Underg one during trial for purpose of Section 428 Cr.P.C. |
|-----|-----------------|--------------------------|-------------------------|-------------------------------------|--------------------------------|------------------|---------------------------------------------------------------------------------|
| 1.  | Jiten Mandal    | 19.03.2025 (surrendered) | 19.03.2025              | 126(2)/ 115(2)/ 117(2)/ 3(5)/351(3) | Acquitted.                     | NA               | NA                                                                              |



|    |                |                             |            |                                                           |            |    |    |
|----|----------------|-----------------------------|------------|-----------------------------------------------------------|------------|----|----|
|    |                |                             |            | BNS, 2023                                                 |            |    |    |
| 2. | Miten Mandal   | 19.03.2025<br>(surrendered) | 19.03.2025 | 126(2)/<br>115(2)/<br>117(2)/<br>3(5)/351(3)<br>BNS, 2023 | Acquitted. | NA | NA |
| 3. | Karpura Mandal | 19.03.2025<br>(surrendered) | 19.03.2025 | 126(2)/<br>115(2)/<br>117(2)/<br>3(5)/351(3)<br>BNS, 2023 | Acquitted. | NA | NA |
| 4. | Batula Mandal  | 19.03.2025<br>(surrendered) | 19.03.2025 | 126(2)/<br>115(2)/<br>117(2)/<br>3(5)/351(3)<br>BNS, 2023 | Acquitted. | NA | NA |
| 5. | Binoy Mandal   | 19.03.2025<br>(surrendered) | 19.03.2025 | 126(2)/<br>115(2)/<br>117(2)/<br>3(5)/351(3)<br>BNS, 2023 | 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  | Ajit Mandal                | Complainant and father of injured                                                                                 |
| PW2  | Uttam Mandal               | Post-occurrence witness                                                                                           |
| PW3  | Bikash Mandal              | Brother of injured and scribe of complaint                                                                        |
| PW4  | Prakash Mandal             | Injured witness                                                                                                   |
| PW5  | Aswini Mondal              | Post-occurrence witness                                                                                           |
| PW6  | ASI Shyamal Chandra Mondal | Investigating Officer                                                                                             |
| PW7  | Tarapada Mondal            | Formal witness, did not support prosecution case                                                                  |

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                                                 | Witness                        | Date       |
|---------|----------------|-------------------------------------------------------------|--------------------------------|------------|
| 1.      | Exhibit P1     | Written Complaint                                           | PW3 Bikash Mandal              | 10.02.2026 |
| 2.      | Exhibit P1/1   | Signature of Ajit Mandal on Written Complaint               | PW1 Ajit Mandal                | 10.02.2026 |
| 3.      | Exhibit P1/2   | Signature of SI Gopal Chandra Mann on Complaint Endorsement | PW6 ASI Shyamal Chandra Mondal | 17.03.2026 |
| 4.      | Exhibit P2     | Formal FIR                                                  | PW6 ASI Shyamal Chandra Mondal | 17.03.2026 |
| 5.      | Exhibit P2/1   | Signature of SI Gopal Chandra Mann on Formal FIR            | PW6 ASI Shyamal Chandra Mondal | 17.03.2026 |
| 6.      | Exhibit P3     | Rough Sketch Map of Place of Occurrence                     | PW6 ASI Shyamal Chandra Mondal | 17.03.2026 |
| 7.      | Exhibit P4     | Index of Rough Sketch Map                                   | PW6 ASI Shyamal Chandra Mondal | 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:**

On 03.03.2025 at about 7:30 A.M., a dispute arose between the family of the complainant Ajit Mandal and the accused persons at village Bartoria, P.S. Neturia, regarding filling of soil in a gully/path near the complainant's house. It is alleged that accused Jiten Mandal, Miten Mandal, Karpura Mandal, Batula Mandal and Binoy Mandal abused the complainant's family, assaulted them and threatened them with dire consequences. During the incident, accused Binoy Mandal allegedly struck Prakash Mandal, son of the complainant, with a lathi causing injury to his left shoulder. Prakash Mandal was thereafter treated at Harmadih C.H.C. Ajit Mandal lodged a written complaint at Neturia Police Station on 03.03.2025, on the basis of which Neturia P.S. Case No. 36/2025 dated 03.03.2025 was registered under Sections 126(2)/115(2)/117(2)/3(5)/351(3) of the BNS, 2023. Investigation was conducted by ASI Shyamal Chandra Mondal, who visited the place of occurrence, prepared a sketch map, examined witnesses and collected the injury report of the injured. Upon completion of investigation, Charge Sheet No. 36/2025 dated 31.03.2025 was submitted against all five accused persons. The accused persons surrendered before the Court on 19.03.2025 and were released on bail on the same day. The prosecution examined seven witnesses during trial, including the complainant, the injured witness and the



Investigating Officer.

**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 126(2)/115(2)/117(2)/3(5)/351(3) BNS, 2023?

**Decision with reason**

**Point number 01 and 02:**

As the aforesaid points for determination are intrinsically connected with each other and are based upon the same factual matrix, this Court deems it expedient to consider and decide both the points simultaneously so as to avoid duplication of discussion and ensure a comprehensive adjudication.

The learned counsel for the accused, at the very threshold, argued that the prosecution case is wholly unfounded and has been instituted with an oblique motive to subject the accused to unnecessary harassment. It was submitted that the allegations levelled against the accused are the result of personal vendetta and do not have any factual foundation. The defence further contended that the evidence adduced by the prosecution is neither reliable nor sufficient to establish the guilt of the accused. According to the learned counsel, the prosecution has failed to prove the charges beyond reasonable doubt and, therefore, the accused deserves to be acquitted of all the charges levelled against him. It was also argued that the prosecution has not succeeded in proving the essential constituents of the alleged offences through legally admissible and trustworthy evidence.

The aforesaid submissions were emphatically refuted by the learned Assistant Public Prosecutor, who maintained that the evidence available on record is adequate to substantiate the prosecution case. It was argued that the oral and documentary evidence, when appreciated in its proper perspective, clearly establishes the commission of the offences and the involvement of the accused therein. The learned Assistant Public Prosecutor thus urged the Court to assess the entire body of evidence in a holistic manner and return a finding consistent with the prosecution case.

In response thereto, the learned advocate for the accused reiterated that the law requires the prosecution to establish its case beyond all reasonable doubt and that conviction cannot be founded upon conjectures, surmises, or mere suspicion, however strong the same may appear.

Having considered the rival submissions, this Court finds it necessary to first advert to the settled legal principles governing the burden and standard of proof in criminal proceedings. The concepts of "proved", "disproved", and "not proved" as embodied in Section 3 of the Indian Evidence Act, 1872, form the foundation of judicial appreciation of evidence. A fact is said to be proved when the Court, upon consideration of the materials before it, either believes its existence or considers its existence so probable that a prudent person would act upon the supposition that it exists.



Nevertheless, the degree of proof demanded in criminal jurisprudence is substantially more stringent than that required in civil litigation. Whereas civil disputes are generally adjudicated on the basis of preponderance of probabilities, criminal liability can be fastened only when the prosecution succeeds in establishing the guilt of the accused beyond reasonable doubt. The presumption of innocence operates in favour of every accused person and continues throughout the trial unless displaced by cogent and convincing evidence adduced by the prosecution.

It is, therefore, a well-recognised principle of criminal law that the burden rests squarely upon the prosecution to prove all the ingredients of the offences alleged. The prosecution cannot seek support from any perceived weakness in the defence case, nor can a conviction be recorded unless the evidence adduced inspires confidence and leads to an unmistakable conclusion regarding the guilt of the accused.

Bearing these principles in mind, this Court now proceeds to undertake a careful examination of the evidence brought on record. The task before the Court is not merely to ascertain whether an incident occurred, but also to determine whether the prosecution has succeeded in establishing, through credible and reliable evidence, the complicity of the accused in the commission of the alleged offences. For that purpose, it becomes necessary to identify the ingredients of the offences charged and to examine whether the prosecution has been able to prove the requisite facts necessary for sustaining a conviction.

PW1 Ajit Mandal during his examination-in-chief stated that he lodged the case before Neturia Police Station. The incident took place on 03.03.2025 at about 7:00 A.M. at the main entrance of his house over a land dispute. Binoy Mandal assaulted his younger son Prakash Mandal with a lathi. Jiten Mandal pushed him forcefully. His son was struck on the left side of his back and was taken for medical treatment though he was not admitted in the hospital. Thereafter, he lodged the case. He further stated that the complaint was written by his elder son Bikash Mandal and identified his signature on the complaint, which was marked as Exhibit P1/1. He also identified accused Jiten Mandal in Court. During his cross-examination, he stated that he had filed three title suits against the accused persons, one of which had been withdrawn while two were still pending. He admitted that the accused persons had also filed a case against his family which was pending. He stated that both families were residing on the same disputed land. He admitted that no lathi was seized during investigation.

PW2 Uttam Mandal during his examination-in-chief stated that he knew Ajit Mandal. He did not witness the incident. Hearing hue and cry, he went to the place of occurrence and stopped the quarrel between the accused persons and the complainant. He identified accused Jiten Mandal in Court. During his cross-examination, he stated that he was the husband of the Gram Panchayat Pradhan and had not submitted any written complaint before the Gram Panchayat. He admitted that there was a civil dispute between the parties.



PW3 Bikash Mandal during his examination-in-chief stated that the defacto complainant was his father. On 03.03.2025 at about 7:30 A.M., Binoy Mondal assaulted his brother Prakash Mandal at their side alley. The family members of the accused persons pushed him. His brother was treated at Harmaddih Hospital but was not admitted. He proved the written complaint and identified his signature thereon. The written complaint and signature were marked as Exhibit P1 and Exhibit P1/2 respectively. During his cross-examination, he stated that he wrote the complaint according to his own knowledge. He admitted that the complaint did not mention that he had witnessed the incident. He further admitted that three title suits had been filed against his family, one having been withdrawn and two dismissed. He also admitted that a case filed by the accused persons against them was pending.

PW4 Prakash Mandal during his examination-in-chief stated that on 03.03.2025 at about 7:30 A.M. he was assaulted by Binoy Mandal with a lathi at the side alley. Thereafter, he first went to Neturia Police Station and then to Harmaddih Hospital. He was not admitted in the hospital. During his cross-examination, he admitted that his father had filed civil cases against the accused persons, one of which had been withdrawn while the others were dismissed. He stated that he informed the doctor that Binoy Mandal had assaulted him with a lathi. He further admitted that a case filed by the accused persons against his family was pending before the Court. He denied that Binoy Mandal had not assaulted him or that he had sustained injuries by falling into a pothole. He also denied that the case had been instituted to save themselves from the case filed by the accused persons.

PW5 Aswini Mondal during his examination-in-chief stated that he knew Ajit Mondal. He did not witness the incident. After hearing hue and cry, he reached the place and saw that Bikash Mondal had sustained injuries. He stated that Bikash Mondal was taken to the Police Station. During his cross-examination, he denied the suggestion that no incident had occurred or that Bikash Mondal had not sustained injuries.

PW6 ASI Shyamal Chandra Mondal during his examination-in-chief stated that he was posted at Neturia Police Station. He stated that the complaint had been received by SI Gopal Chandra Mann and proved the latter's signature, which was marked as Exhibit P1/2. He proved the formal FIR and the signature thereon, which were marked as Exhibits P2 and P2/1 respectively. He stated that the case was endorsed to him for investigation. During investigation, he examined the complainant, visited the place of occurrence and prepared the rough sketch map and index, which were marked as Exhibits P3 and P4. He examined witnesses, recorded their statements and collected the injury report. Upon completion of investigation, he submitted Charge Sheet No. 36/2025 dated 31.03.2025. During his cross-examination, he admitted that he had not examined the persons whose names appeared in the sketch map and index as witnesses. He further admitted that he had not collected any parcha or document regarding ownership of the place



of occurrence. He denied the suggestion that he prepared the sketch map, index and witness statements at the Police Station at the instance of the complainant or that the investigation was perfunctory.

PW7 Tarapada Mondal during his examination-in-chief stated that he knew the complainant Ajit Mondal but did not know anything about the case. During his cross-examination, the defence declined to put any questions. Thus, this witness did not support the prosecution case.

Upon careful consideration of the entire evidence on record, this Court finds that the prosecution has failed to establish the charges against the accused persons beyond reasonable doubt. It is a settled principle of criminal jurisprudence that the burden always lies upon the prosecution to prove its case by cogent, reliable and convincing evidence, and the accused is entitled to the benefit of every reasonable doubt arising from the evidence.

The prosecution case originates from a land-related dispute between the parties. From the evidence of PW1 Ajit Mandal, PW3 Bikash Mandal and PW4 Prakash Mandal, it is evident that there had been longstanding civil litigation between the parties. PW1 admitted that he had filed three title suits against the accused persons, one of which was withdrawn and the others were pending. PW3 and PW4 also admitted the existence of civil disputes and a counter-case filed by the accused persons against their family. Thus, prior enmity between the parties stands admitted by the prosecution witnesses themselves. In such circumstances, the evidence of interested witnesses requires careful scrutiny and corroboration from independent sources.

PW1 Ajit Mandal is the complainant and father of the alleged injured person. PW3 Bikash Mandal is the brother of the alleged injured. PW4 Prakash Mandal is the alleged injured himself. Therefore, all these witnesses are closely related and interested witnesses. Though the evidence of related witnesses cannot be discarded solely on the ground of relationship, the Court must seek assurance from independent evidence before acting upon such testimony, particularly when there is admitted prior enmity between the parties.

The prosecution has failed to examine any independent eyewitness to the actual occurrence. PW2 Uttam Mandal specifically stated that he had not witnessed the incident and reached the place only after hearing hue and cry. PW5 Aswini Mondal also admitted that he had not witnessed the occurrence and arrived after hearing commotion. PW7 Tarapada Mondal completely failed to support the prosecution case and stated that he knew nothing about the incident. Thus, none of the independent witnesses examined by the prosecution have supported the prosecution version regarding the alleged assault.

The evidence of PW3 Bikash Mandal also suffers from material infirmities. Though he claimed during deposition that he witnessed the assault, he admitted during cross-examination that he had not mentioned in the written complaint that he was an eyewitness to the occurrence. This omission assumes significance because the complaint was admittedly written by him. Such omission



creates doubt regarding his presence at the time of occurrence and affects the reliability of his testimony.

The evidence of PW1 and PW4 also does not inspire complete confidence. According to the written complaint, several accused persons jointly assaulted and threatened the complainant's family members. However, during trial, the witnesses attributed a specific overt act only to accused Binoy Mandal and vaguely implicated the remaining accused persons. These improvements and variations between the written complaint and the oral evidence create doubt regarding the exact manner of occurrence and the role of each accused person.

The prosecution has also failed to produce the most important corroborative evidence. Though the Investigating Officer stated that he collected the injury report, the said injury report was never formally exhibited during trial. The Medical Officer who allegedly examined the injured person was not examined before the Court. Consequently, the contents of the injury report remain unproved in accordance with law. It is a settled principle that a document not proved in accordance with law cannot be read as substantive evidence. In the absence of examination of the doctor and formal proof of the medical document, the alleged injuries remain inadequately proved.

The evidence of the Investigating Officer also reveals deficiencies in investigation. PW6 admitted during cross-examination that he had not examined the persons whose names appeared in the sketch map and index. He further admitted that he did not collect any document regarding ownership of the place of occurrence despite the admitted land dispute between the parties. No weapon of offence was seized during investigation. These omissions assume importance because the entire occurrence is alleged to have arisen out of a dispute concerning land and pathway rights.

It is also noteworthy that the defence suggested throughout the trial that the present case was instituted due to the existing civil dispute and the counter-case filed by the accused persons. The admitted existence of civil litigation and criminal proceedings between the parties furnishes a plausible ground for exaggeration and false implication. Though mere enmity is not a ground for rejecting prosecution evidence, where the prosecution evidence itself suffers from lack of independent corroboration and material deficiencies, such admitted enmity becomes a relevant circumstance while assessing credibility.

The Hon'ble Supreme Court has consistently held that where two views are possible on the evidence adduced in a criminal case, the view favourable to the accused must be adopted. The prosecution must stand on its own legs and cannot derive strength from the weakness of the defence. Suspicion, however grave, can never take the place of legal proof. Unless the evidence leads to the only conclusion of guilt, the accused is entitled to benefit of doubt.

In the present case, the prosecution has relied mainly upon interested and related witnesses. Independent witnesses have either not supported the prosecution or have not witnessed the occurrence. The medical evidence has not





been properly proved. The investigation suffers from material omissions. The admitted civil disputes and pending litigations between the parties provide a background requiring greater caution in appreciating the evidence. Taken cumulatively, these circumstances create reasonable doubt regarding the prosecution version.

Therefore, this Court is of the considered opinion that the prosecution has failed to prove the charges against the accused persons beyond all reasonable doubt. The accused persons are accordingly entitled to the benefit of doubt and deserve acquittal from the charges levelled against them. Accordingly, all the accused persons are acquitted of the charges.

Hence; it is

### **ORDERED**

that the accused person, namely 1. Jiten Mandal 2.Miten Mandal 3.Karpura Mandal 4.Batula Mandal 5.Binoy Mandal are found to be not guilty of committing the offence under section 126(2)/115(2)/117(2)/3(5)/351(3) BNS, 2023 and they are hereby acquitted of the charges framed against him as per section 278 sub-section (1) of the BNSS. They are 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 dispose after expiration of the period of appeal as per law.

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 413 BNSS 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: 10.06.2026

Judicial Magistrate 1<sup>st</sup> Court  
Raghunathpur, Purulia  
WB01449

Typed and corrected by me;

Judicial Magistrate 1<sup>st</sup> Court  
Raghunathpur, Purulia  
WB01449