



<p>In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 07th day of March, 2026] [G.R. Case No. 347 of 2025] [CIS Registration No. 575 of 2025] CNR No.WBPU060008752025 (Arising out of Raghunathpur P.S. Case No. 63 of 2025 dated 09.05.2025 under section 329(4)/115(2)/74/351(2) of BNS)</p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C Raghunathpur POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	Badal Bauri @ Nunu Bauri
REPRESENTED BY	Arindam Majee

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	08.05.2025
Date of FIR	09.05.2025
Date of Charge-sheet	30.05.2025
Charge	14.11.2025
Date of commencement of evidence	18.02.2026
Date on which judgment is reserved	07.03.2026
Date of the Judgment	07.03.2026
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 Detention on Undergone during trial for purpose of Section 428 Cr.P.C.
1.	Badal Bauri @ Nunu Bauri	20.05.2025 (surrendered)	20.05.2025	329(4)/115(2)/74/351(2) of BNS	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	Kaberi Majhi	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 with signature of complainant	18.02.2026

• **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

J U D G M E N T

The prosecution case originated from a written complaint lodged by Kaberi Majhi before Raghunathpur Police Station on 09.05.2025. It was alleged that on 08.05.2025 at about 20.30 hrs the accused Badal Bauri @ Nunu Bauri assaulted the complainant by fist blows and also outraged her modesty. It was further alleged that the accused person also stole cash from the shop of the complainant and threatened her with dire consequences.

On the basis of the said complaint Raghunathpur P.S. Case No. 63 of 2025 dated 09.05.2025 was registered initially under Sections 329(4)/115(2)/74/303(2)/351(2) of the Bharatiya Nyaya Sanhita. Investigation was taken up by ASI Badal Chandra Mahato. During investigation the Investigating Officer visited the place of occurrence, prepared rough sketch map and examined



available witnesses. After completion of investigation the Investigating Officer submitted Charge Sheet No. 66/2025 dated 30.05.2025 under Sections 329(4)/115(2)/74/351(2) of the Bharatiya Nyaya Sanhita against the accused Badal Bauri @ Nunu Bauri to face trial before the court of law.

Evidence adduced

One witnesses in this case have been examined and cross examined as PW01. No other witness has been examined on behalf of the prosecution. 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 2025 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 329(4)/115(2)/74/351(2) of BNS?

Decision with reason

Point number 01 and 02:

As both the above-mentioned points for determination are closely interrelated, they are taken up together for the sake of convenience and brevity and are being discussed jointly in this judgment. Learned counsel appearing for the accused, during the course of arguments, submitted that the prosecution has miserably failed to prove the charges framed against the accused and, therefore, the accused persons are entitled to acquittal. He further contended that none of the witnesses examined by the prosecution have been able to depose to any material facts from which the charges against the accused could be said to have been proved, and as such, the accused persons deserve to be acquitted. Learned A.P.P., however, opposed the said contention and raised serious objections to the prayer made on behalf of the accused. She submitted that there are sufficient materials on record from which the prosecution case can be said to have been proved beyond reasonable doubt.



In order to arrive at a proper and judicious adjudication, the foremost issue that requires consideration is upon whom the burden of proof lies and to what extent such burden is required to be discharged. It is a settled principle of criminal jurisprudence that the accused enjoys a presumption of innocence, and the well-established rule of evidence, having received consistent judicial sanction, is that the prosecution must prove the guilt of the accused by establishing all the essential ingredients of the offence alleged against him. The test for determining what constitutes proof of guilt in a criminal trial has been clearly enunciated by the Hon'ble Apex Court. While in civil cases a fact may be said to be proved by a mere preponderance of probabilities, in criminal cases the prosecution is required to prove the charge beyond reasonable doubt.

In AIR 1966 SC 01, the Hon'ble Supreme Court observed at page 3 as follows: "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 the mens rea of the accused, he would be entitled to be acquitted."

Thus, from the aforesaid discussion and the settled principles governing criminal trials as laid down in a catena of decisions of the Hon'ble Courts, there remains no ambiguity with regard to the legal proposition that the general burden of proof always rests upon the prosecution. If, upon appreciation of the evidence adduced by the prosecution or the defence, a reasonable doubt arises as to whether the accused committed the alleged offence, the accused is entitled to the benefit of such doubt and consequently to an acquittal.

Guided by the aforesaid principles of law, this Court is now required to meticulously scrutinize the evidence available on record in order to ascertain whether the prosecution has been able to prove the acts or occurrences constituting the alleged offences and whether it has successfully established a nexus between the accused persons and the commission of such offences. It therefore becomes necessary to undertake a detailed examination of the evidence on record.

As already observed hereinabove, before criminal liability can be fastened upon the accused, the prosecution bears the onerous and invariable burden of proving, beyond reasonable doubt, that the accused committed the alleged offence with the requisite mens rea. Such burden rests upon the prosecution from the inception of the trial till its culmination.

The accused persons Sk. Sabir and Sk. Mehaboob @ Sk. Mehbub are standing trial for the alleged commission of offences punishable under Sections 329(4)/115(2)/74/351(2) of the Bharatiya Nyaya Sanhita, 2023. The burden lies upon the prosecution to prove the guilt of the accused persons beyond all reasonable doubt by adducing reliable, cogent and trustworthy evidence. It is a settled principle of criminal jurisprudence that the presumption of innocence operates in favour of the accused and such presumption continues throughout the trial until the prosecution successfully establishes the guilt of the accused persons by reliable evidence.

At the very outset, it is necessary to appreciate the evidence adduced by the prosecution during trial. In the present case the prosecution has examined only two witnesses namely PW1 Jasmina Khatun, the defacto complainant and PW2



Sk. Hasim, the husband of the complainant. Apart from the written complaint marked as Exhibit P1, no other documentary or material evidence has been produced before the Court.

PW1 Kaberi Majhi during her examination in chief stated that she filed the case at Raghunathpur Police Station. She identified the written complaint and her signature thereon and the same was marked as Exhibit P1. However she stated that she did not know anything about the case and that she had filed the case out of misunderstanding. During her cross examination she stated that she had no objection if the accused person was set free from the case.

In a criminal trial the prosecution is required to establish the guilt of the accused beyond reasonable doubt. The entire burden of proof lies upon the prosecution and such burden never shifts upon the accused. The accused is presumed to be innocent until his guilt is proved by reliable and convincing evidence. If the prosecution fails to prove its case beyond reasonable doubt, the accused is entitled to the benefit of doubt and must be acquitted.

In the present case the prosecution examined only one witness namely PW1 Kaberi Majhi who is the complainant herself. The evidence of PW1 assumes great importance as she is the sole witness examined by the prosecution to establish the allegations made in the FIR. However, a careful reading of her evidence reveals that she has not supported the prosecution case at all. During her examination in chief she merely stated that she filed the case and identified her written complaint which was marked as Exhibit P1. However she clearly stated that she does not know anything about the case and that she filed the case out of misunderstanding.

Furthermore during cross examination PW1 specifically stated that she has no objection if the accused person is set free from the case. This statement clearly indicates that the complainant herself does not wish to pursue the allegations against the accused person. Thus the entire prosecution case collapses at the very threshold.

It is well settled that when the complainant herself does not support the prosecution case and does not prove the allegations made in the FIR, the prosecution case cannot be sustained. In the present case there is absolutely no evidence on record to prove that the accused assaulted the complainant, outraged her modesty or committed theft from her shop.

The Hon'ble Supreme Court in *Kali Ram vs State of Himachal Pradesh* (1973) 2 SCC 808 held that if the prosecution fails to prove its case beyond reasonable doubt the accused must be given the benefit of doubt. The Apex Court observed that it is better that several guilty persons escape than that one innocent person suffers.

Similarly in *Sujit Biswas vs State of Assam* (2013) 12 SCC 406 the Hon'ble Supreme Court reiterated that suspicion however strong cannot take the place of proof and the prosecution must establish the guilt of the accused by clear, cogent and reliable evidence.

In the present case the sole witness examined by the prosecution has completely failed to support the prosecution story. No other witness has been examined to corroborate the allegations. Therefore the essential ingredients of the offences alleged against the accused have not been proved.



Thus upon careful appreciation of the evidence on record this Court finds that the prosecution has utterly failed to establish the charges against the accused beyond reasonable doubt. The evidence available on record is wholly insufficient to record a conviction against the accused. Accordingly the accused Badal Bauri @ Nunu Bauri is entitled to the benefit of doubt and deserves to be acquitted from the charges levelled against him.

Hence; it is

ORDERED

that the accused person, namely Badal Bauri @ Nunu Bauri is found to be not guilty of committing the offence under section 329(4)/115(2)/74/351(2) of BNS and they are hereby acquitted of the charges framed against them as per BNSS. He is 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 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: 07.03.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;

Judicial Magistrate 1st Court
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