

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: 18th day of March, 2026 Case No. GR: 213/25 TR: 220/25 (CIS Registration No. 721/2025) (CNR No.- WBPU06-001089-2025) (Arising from Para P.S Case No. 49/25 dated 28/03/2025)</p>	
Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	1. Nandalal Bauri 2. Sanjib Bauri 3. Koushik Bauri
Represented by	Name of Advocate: Ashutosh Tudu

FORM - B

Date of Offence	26.03.2025
Date of F.I.R.	28.03.2025
Date of Police report	31.05.2025
Date of framing Charge/Plea against the accused	30.10.2025
Date of commencement of Evidence	12.11.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	18.03.2026
Date on which Judgment is reserved	N/A
Date of Judgment	18.03.2026
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.	Nandalal Bauri	01.04.25	01.04.25	U/s- 126(2)/115 (2)/351(2)/3(5) of BNS	Acquitted	N/A	N/A
A2.	Sanjib Bauri	01.04.25	01.04.25	U/s- 126(2)/115 (2)/351(2)/3(5) of BNS	Acquitted	N/A	N/A
A3.	Koushik Bauri	01.04.25	01.04.25	U/s- 126(2)/115 (2)/351(2)/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.	Kanchan Deoghoria	
W2.	Mantu Bauri	
W3.	Trilochan Nath Bauri	

W4.	Dulal Bauri	
W5.	Paresh 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
1	P-1	Written complaint
2	P-1/1	Signature of P.W.5 in the written complaint

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- 126(2)/115(2)/351(2)/3(5) of BNS. The prosecution case in short is that the on 26/03/25 at about 07:00 AM a dispute cropped up between the complainant and the accused persons regarding boundary wall. Then the accused persons abused the complainant in filthy languages and assaulted him with bamboo stick. Nandalal gave a fist blow below his left eye and threatened to kill him. Then the wife of the complainant came to rescue him and Kaushik pushed her. When the complainant shouted, the accused persons fled away. The complainant was treated at Raghunathpur hospital.

On the basis of such complaint, Para P.S. chalked out formal FIR being no. 49/25 dt. 28/03/2025 u/s- 126(2)/115(2)/117(2)/351(2)/3(5) of BNS against the accused persons.

Thereafter, the case was investigated by the ASI of police Srimanta Kumar Sing Sardar of Para P.S. who after completion of the investigation, submitted charge sheet being no. 78/25 dt. 31/05/25 u/s- 126(2)/115(2)/351(2)/3(5) of BNS against the accused persons.

Thereafter, on 30/10/2025 plea was made u/s- 126(2)/115(2)/351(2)/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 - Kanchan Deoghoria.

P.W. 2 - Mantu Bauri.

P.W. 3 – Trilochan Nath Bauri.

P.W. 4 – Dulal Bauri.

P.W. 5 – Paresh Bauri.

After closure of the prosecution evidence, the accused persons were examined u/s 351 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 u/s- 126(2)/115(2)/351(2)/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 Kanchan Deoghoria deposed that the complainant is his neighbour. But he failed to state anything regarding the incident.

P.W. 2 Mantu Bauri deposed that he lodged complaint against the accused persons in Para P.S and identified them in Court. The incident occurred less than one year ago at about 07:00 AM in his Courtyard. On that day a survey was going on with the help of amin and then a dispute cropped up. Sanjib assaulted him with a bamboo stick and Nandalal gave a fist blow in his face. He received injury in his back and was treated at Raghunathpur hospital. He failed to state the name of the person who wrote the complaint.

During his cross examination he admitted that they have boundary dispute and a counter case is pending against him. He went to the hospital on the same day in the evening and from the hospital he went to the P.S.

P.W. 3 Trilochan Nath Bauri deposed that the complainant is his neighbour. But he failed to state anything regarding the incident as he was not present at that time.

P.W. 4 Dulal Bauri deposed that the complainant is his neighbour who lodged complaint in Para P.S against the accused persons and identified them in Court. The incident occurred in the month of July - August, 2025. There was some dispute regarding property between the complainant and the accused persons, all of whom are co-sharers of the same property. He failed to state anything more about the incident.

P.W. 5 Paresh Bauri deposed that he wrote the complaint as per the instructions of the complainant which was marked as Exhibit-P-1 and his signature in the same was marked as Exhibit-P-1/1. The complainant put his LTI in his presence after the complaint was read over and explained to him.

During his cross examination he admitted that he had no personal knowledge regarding the incident and he drafted many written complaints in his life.

From the evidence on record it appears that apart from P.W.2 i.e. de-facto complainant no other prosecution witness supported the prosecution case. P.W.4 only stated about a property dispute and nothing else. P.W.1 and P.W.3 failed to state anything regarding the incident. P.W.5 was the scribe who had no personal knowledge regarding the incident. Even the wife of the complainant was not produced as a witness by the prosecution.

P.W.2 though supported the prosecution case but failed to state the date of the incident as well as the name of the scribe. He admitted the property dispute between him and the accused persons and the existence of a counter case as against him. Moreover, he stated that he went to the P.S on the date of the incident but the FIR reflects that it was lodged two days after the incident. So, the version of P.W.1 is not fully trustworthy to bring home conviction.

Therefore, there is no evidence that the complainant and his wife were assaulted, wrongfully restrained and threatened by the accused persons.

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-126(2)/115(2)/351(2)/3(5) of BNS against the accused persons beyond the shadow of all reasonable doubts.

Hence it is

ORDERED

that the accused persons namely Nandalal Bauri, Sanjib Bauri and Koushik Bauri are not found guilty of the offence u/s-126(2)/115(2)/351(2)/3(5) of BNS and they are acquitted in terms of section 278(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.

Sd/-
Additional Chief Judicial Magistrate,
2nd Court,
Raghunathpur, Purulia.

