

Form A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE RAGHUNATHPUR, DISTRICT – PURULIA Present : Sarmistha Ganguly Additional Chief Judicial Magistrate, Raghunathpur, Purulia Date of the Judgment: 18th day of June, 2026 Case No. GR 528 of 2023 (Registration No. 87 of 2024) (CNR No.- WBPU060001022024)  (Arising from Para P.S Case No. 71/2023 dated 04.09.2023 u/s. 341/323/506 IPC)	
Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	1. Dilip Bauri
Represented by	Name of the Advocate : Shri Lalit Majee

FORM B

Date of Offence	04.09.2023
Date of F.I.R.	04.09.2023
Date of Police report	30.09.2023
Date of framing Charge against the accused	27.04.2026
Date of commencement of Evidence	18.06.2026
Date of examination of the accused u/s. 313 of the Cr.P.C.	18.06.2026
Date on which Judgment is reserved	
Date of Judgment	18.06.2026
Date of the Sentencing Order, if any	

Accused details:

Ra nk of the Acc use d	Name of Accused	Date of arrest/ surrender	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sente nce impos ed	Period of Detenti on Underg one during Trial for purpos e of Section 428 Cr.P.C.
1.	Dilip Bauri	05.09.2023	05.09.2023	u/s. 341/323/506 IPC	Acquitted		

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 WITNESS)
P.W. 1	Dinabandhu Bauri	Defacto complainant-cum-victim
P.W. 2	Gour Bauri	Independent witness
P.W. 3	Amrit Bauri	Independent witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1		
DW 2		

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1		
CW 2		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit 1/1 by P.W-1	Signature of complainant on the written complaint

B. Defence:

Sr. No.	Exhibit Number	Description
1.	Exhibit D-1 / D.W.1	
2	Exhibit D -2 / D.W.2	

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	Exhibit C-1 / C.W.1	
2	Exhibit C-2 /C.W.2	

D. Material Objects:

Sr. No.	Material Number	Object	Description
1	Mat Exhibit -1		
2	MO 2		

J U D G M E N T

Facts of the Prosecution Case :

The prosecution case has its genesis in a written complaint lodged by the de facto complainant **Dinabandhu Bauri before the O.C. Para P.S.** on 04.09.2023 to the effect that on the same date the complainant had come to village Kelahi under Para P.S. for some important personal work in the house of one of his relatives and when the complainant had left the said house and was going to a nearby shop, the accused person out of some previous grudge suddenly restrained the de facto complainant on the village road and had started to assault him with a 'lathi' on account of which, the complainant had fallen on the ground and thereafter, the accused further hit him with fists and blows for which the accused had sustained injury on his left hand and was in pain. The complainant has further alleged that he had raised hue and cry when the local people had arrived at the spot and the accused person had fled away and that subsequently, the complainant had been brought to Para Hospital for his medical treatment. Hence, the present written complaint has been lodged by the complainant against the accused person with the prayer for punishing him as per the existing provisions of law.

On receipt of the aforesaid complaint, the **O.C. of Para P.S.** started **Para P.S Case No. 71/2023 dated 04.09.2023** under sections **341/323/325/506/34 IPC** against the sole accused person which culminated into the submission of charge-sheet against the sole accused person for the offence punishable under sections **341/323/506 IPC**.

Thereafter, the sole accused person has been examined u/s 251 of Cr.P.C. for the offences punishable u/s 341/323/506 IPC. The substance of the accusation for the offences punishable **u/s 341/323/506 IPC** have been read over and explained to the sole accused person in his local language, to which the sole accused person have pleaded not guilty and claimed to be tried and hence, this trial.

After closing the evidence of the prosecution, the sole accused person has been examined **under section 313 of Cr.P.C.**, wherein the accused person has declined to adduce any defence witness. The defence plea, as appearing from the trends of cross examination of the

prosecution witnesses and examination of the accused person under section 313 of Cr.P.C. and the submission of the Ld. Defence Counsel, is bearing the innocence of the sole accused person above named.

Points for Consideration

(1) Did the accused person commit the offence punishable under sections **341/323/506 IPC ?**

Decision with Reason

The prosecution has produced only three witnesses to establish the charges leveled against the accused person. The defacto complainant in the present case, namely **Dinabandhu Bauri (P.W.-1)** has stated in his deposition that he had lodged the written complaint in the present case against the accused person which has been drafted as per his instruction but had been unable to state the name of the person who had drafted the same and that he had put his signature thereon (signature of the complainant on the written complaint has been marked as Exhibit 1/1).

The complainant had further stated that on the alleged date of the incident, he had gone to visit one of his relatives at Kelahi village when he had been suddenly attacked and assaulted by the accused with sticks on his left hand for which he had sustained injury and later visited Para BPHC for his medical treatment.

However, in his cross-examination the complainant admitted the fact that he is at present having no further allegations against the accused person and also no objection if he is acquitted from the case.

One Gour Bauri and one Amrit Bauri being two other independent witnesses examined as PW2 and PW3 on behalf of the prosecution had failed to state anything regarding the facts and circumstances leading to the institution of the present case by the complainant.

In view of the fact that the complainant has specifically admitted in his cross-examination that he is having no further allegations against the accused person at present, further examination of the prosecution

witnesses have been closed on the verbal prayer of the Ld. APP.

On going through the evidence on record, it reveals to this Court that the complainant has categorically admitted in his cross-examination by the Ld. Defence that he is at present having no further allegations against the accused person and also no objection if he is acquitted of this case. It also appears on going through the materials on record that two other witnesses namely Gour Bauri and Amrit Bauri examined as PW2 and PW3 by the prosecution had not been acquainted with the complainant and had also failed to state any facts regarding the present case as instituted by the complainant against the accused person.

Considering the aforesaid discussions, this Court has no hesitation to hold that the prosecution has hopelessly failed to establish the charges and accusations leveled against the sole accused person for the offences punishable under sections **341/323/506 IPC** and accordingly, the sole accused person above named is liable to be acquitted from the present case as well as from all the charges and accusations leveled against him under **section 255 (1) of the Code of Criminal Procedure.**

Hence, it is,

ORDERED

that the sole accused person, namely Dilip Bauri is found not guilty of the offence punishable under sections 341/323/506 IPC and accordingly, the sole accused person above named is hereby acquitted from the present police case as well as from all the charges and accusations leveled against him, in terms of the provision enumerated under section 255 (1) of the Code of Criminal Procedure.

The sole accused person above named is hereby set at liberty and stand discharged from his bail bond.

D/C.

Sd/-

A.C.J.M., Raghunathpur

Sd/-

(Sarmistha Ganguly)

A.C.J.M. Raghunathpur,

District - Purulia