



<p>In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 17th day of April, 2026] [G.R. Case No. 488 of 2023] [CIS Registration No. 926 of 2023] CNR No. WBPU060013362023 (Arising out of Kashipur P.S. Case No. 102 of 2023 dated 10.08.2023 under section 188/447/506/34 of IPC)</p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C Kashipur POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	1.Aditya Bouri 2.Madhusudan Bouri
REPRESENTED BY	Jakir Ansary

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	05.08.2023
Date of FIR	10.08.2023
Date of Charge-sheet	30.09.2023
Date of Plea	22.01.2024
Date of commencement of evidence	26.09.2024
Date on which judgment is reserved	17.04.2026
Date of the Judgment	17.04.2026
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 Underg one during trial for purpose of Section 428 Cr.P.C.
1.	Aditya Bouri	15.09.2023 (arrested)	15.09.2023	188/447/506/34 of IPC	Acquitted.	NA	NA



2.	Madhusudan Bouri	23.09.2023 (arrested)	24.09.2023	188/447/5 06/34 of IPC	Acquitted.	NA	NA
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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	Nirmal Kumar Chattopadhyay	Defacto Complainant
PW2	ASI Shyamal Chandra Mondal	Investigating Officer
PW3	Rabilochan Bauri	Local Witness (Hostile/Not Supporting)

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	19.05.2025
2	Exhibit P1/1	Signature of PW1 on written complaint	19.05.2025
3	Exhibit P1/2	Signature of SI Partha Bhuia on complaint	09.03.2026
4	Exhibit P2	Formal FIR	09.03.2026
5	Exhibit P2/1	Signature on FIR	09.03.2026
6	Exhibit P3	Rough sketch map of place of occurrence	09.03.2026
7	Exhibit P4	Index of sketch map	09.03.2026

• Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

• Court Exhibits:

Sr. No.	Exhibit Number	Description
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NIL	NIL	NIL
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• Material Objects:

Sr. No.	Exhibit Number	Description	Date
Nil	Nil	Nil	Nil

J U D G M E N T

Facts of the case:

Upon consideration of the FIR, Charge Sheet and materials on record, the brief facts from the stage of institution of the case up to filing of charge sheet and plea are set out hereunder in a concise and structured manner:

The prosecution case was set into motion on the basis of a written complaint lodged by the defacto complainant on 10.08.2023 before Kashipur Police Station, which was registered as Kashipur P.S. Case No. 102/2023 under Sections 188/447/506/34 of the Indian Penal Code. The gravamen of the allegations in the FIR is that there existed a long-standing land dispute between the parties over certain agricultural land situated at Mouza Manjhupra. It is alleged that on or about 05.08.2023, the accused persons attempted to forcibly take possession of the disputed land and harvested the standing crops raised thereon. When the complainant protested, he was allegedly pushed by one of the accused persons, causing him to fall, and thereby intimidation and breach of peace were also alleged.

Upon registration of the case, the investigation was taken up by the Investigating Officer, who visited the place of occurrence, prepared a rough sketch map with index, and examined available witnesses, recording their statements under Section 161 of the Code of Criminal Procedure. During the course of investigation, it transpired that there was a pre-existing civil dispute regarding ownership and possession of the said land, and proceedings under Section 144 Cr.P.C. had also been initiated prior to the alleged occurrence, indicating tension between the parties over possession.

The Investigating Officer further issued notices to the accused persons, who subsequently appeared and later surrendered before the Learned Court on 15.09.2023 and were released on bail on the same day. Relevant documents, including the written complaint, formal FIR, and sketch map, were collected and relied upon during investigation. After completion of investigation and upon finding prima facie materials, the Investigating Officer submitted Charge Sheet No. 131/2023 dated 30.09.2023 under Sections 188/447/506/34 of the Indian Penal Code against the accused persons.

Thereafter, the accused persons appeared before the Court and copies of documents were furnished in compliance with Section 207 Cr.P.C. Subsequently, upon consideration of the materials on record, the substance of accusation was explained to the accused persons, to which they pleaded not guilty and claimed to



be tried on 22.01.2024.

Thus, the case proceeded to trial after completion of all pre-trial formalities.

Evidence adduced

Only three witnesses have been examined and cross-examined in this case as PW1 to PW3, and no other witness has been examined on behalf of the prosecution. Certain documents have been marked as exhibits during the course of trial. Thereafter, the learned advocate for the accused prayed for closure of further prosecution evidence on the ground that no incriminating material has surfaced against the accused and that continuation of further evidence would serve no useful purpose. Upon careful consideration of the entire materials on record and the quality of evidence adduced, the said prayer was allowed. This Court found that summoning further witnesses and prolonging the trial would be unnecessary and contrary to the mandate of Section 309 of the Code of Criminal Procedure, 1973.

After completion of the aforesaid stages, the case was posted for final arguments. Upon conclusion of arguments, and in compliance with the requirement of Section 354 Cr.P.C., this Court proceeds to formulate the points for determination and to assign reasons for arriving at its conclusion. Upon careful consideration of the entire materials on record, the points for determination are framed as follows:

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 188/447/506/34 of IPC/447/506/34 of IPC?

Decision with reason

Point number 01 and 02:

Since both the aforesaid points for determination are interrelated, for the sake of convenience and brevity, they are taken up together and are being discussed jointly in this judgment.

At the very outset, the learned advocate for the accused submitted that the present case is a glaring example of misuse of the criminal justice system to harass and humiliate an innocent person. It was contended that the prosecution is motivated and the role of the de facto complainant is highly doubtful. The learned defence counsel further argued that the de facto complainant has falsely implicated the accused due to personal reasons and animosity. Drawing attention to the evidence on record, it was vehemently argued that the prosecution has failed to establish the charges framed against the accused and, therefore, the accused is entitled to an order of acquittal. It was further submitted that the prosecution was under a legal obligation to prove all the essential ingredients of the alleged offences, but there is no cogent or reliable evidence to substantiate the allegations, and as



such, the accused cannot be held guilty.

The said submissions were strongly opposed by the learned Assistant Public Prosecutor, who argued that the evidence on record, when taken as a whole, is sufficient to establish the prosecution case. It was contended that the Court should consider the entire evidence in its totality and arrive at a conclusion based on the surrounding circumstances.

In reply, the learned advocate for the accused reiterated that in a criminal trial, the prosecution must prove its case beyond all reasonable doubt and that mere suspicion or probability cannot take the place of proof.

In order to resolve the controversy, the foremost question that arises for consideration is regarding the burden of proof and the degree to which it must be discharged. It is well settled that the expressions “proved”, “disproved” and “not proved” as defined under Section 3 of the Indian Evidence Act, 1872 apply uniformly to both civil and criminal proceedings. A fact is said to be proved when, upon considering the matters before it, the Court either believes it to exist or considers its existence so probable that a prudent person would act upon such belief.

However, the standard of proof required in criminal cases is significantly higher than that in civil cases. While in civil proceedings a fact may be established on the basis of preponderance of probabilities, in criminal trials the prosecution is required to prove its case beyond all reasonable doubt. It is a cardinal principle of criminal jurisprudence that the accused is presumed to be innocent unless proven guilty, and the burden always lies upon the prosecution to establish all the ingredients of the offence charged.

Thus, guided by the settled principles of law, this Court holds that the prosecution must prove its case beyond reasonable doubt and cannot derive any advantage from the weakness, if any, in the defence of the accused.

Having said so, this Court now proceeds to carefully scrutinize and analyse the evidence available on record to determine whether the prosecution has been able to establish the occurrence of the alleged incident and, more importantly, whether it has been able to connect the accused with the commission of the alleged offences. For a meaningful adjudication, it is now necessary to examine what exactly the prosecution was required to prove in order to bring home the charges against the accused.

PW1 Nirmal Kumar Chattopadhyay during his examination-in-chief stated that he filed the present case in the year 2023 before Kashipur Police Station. The incident took place in the morning at his ancestral place at Mouza Manjhupra where he owns agricultural land. He further stated that there had been a long-standing land dispute between the parties. According to him, the accused persons attempted to forcibly occupy his land and harvested the standing paddy crops from his land bearing Dag Nos. 1130, 1135 and 1250. When he protested, accused Aditya Bouri pushed him, as a result of which he fell down. He identified the written complaint and his signature thereon, which were marked as Exhibit P1 and Exhibit P1/1 respectively.

During his cross-examination, he stated that he resides at Asansol for his



employment at ECL. He admitted that the accused persons are his bargadars and that they cultivate land other than the disputed land. He further admitted that he has instituted civil proceedings against the accused persons and has also filed a case before the High Court. He could not recollect how many criminal cases he had filed against them. He admitted that the written complaint was signed by him on behalf of other persons also, namely Sunil Chattopadhyay, Satyajit Chattopadhyay and Biswajit Chattopadhyay. He could not remember the exact date when he visited the village. He denied the suggestion that he was not pushed by accused Aditya Bouri and also denied that the case was filed to evict the bargadars from the land.

PW2 ASI Shyamal Chandra Mondal during his examination-in-chief stated that the complaint was initially received by SI Partha Bhuia and he proved the signature of SI Partha Bhuia on the complaint, which was marked as Exhibit P1/2. He stated that the formal FIR was written and signed by SI Partha Bhuia and the same was marked as Exhibit P2 and Exhibit P2/1. He further stated that he was endorsed with the investigation on the same day. During investigation, he examined the complainant, visited the place of occurrence, and prepared a rough sketch map and its index, which were marked as Exhibit P3 and Exhibit P4. He also examined witnesses and recorded their statements under Section 161 Cr.P.C. Upon completion of investigation, he submitted Charge Sheet No. 131/2023 dated 30.09.2023 under Sections 188/447/506/34 IPC.

During his cross-examination, he stated that ordinarily only one person lodges a complaint, but in this case three persons had signed the complaint. He admitted that he had not visited Asansol and did not know whether the accused persons were bargadars in respect of the land in question. He also stated that the son of the complainant is employed in the police department. He denied the suggestion that the investigation was perfunctory in nature.

PW3 Rabilochan Bauri during his examination-in-chief stated that he knows the defacto complainant Nirmal Kumar Chattopadhyay but does not know anything about the present case.

Upon careful consideration of the entire materials on record, oral as well as documentary evidence, this Court proceeds to analyse and appreciate the evidence in its proper legal perspective.

At the very outset, it is well settled principle of criminal jurisprudence that the prosecution is required to prove its case beyond all reasonable doubt and the burden never shifts upon the accused. The accused persons are presumed to be innocent unless such presumption is rebutted by cogent, reliable and trustworthy evidence.

In the present case, the prosecution has examined three witnesses only, namely the defacto complainant (PW1), the Investigating Officer (PW2), and one local witness (PW3). Amongst them, PW1 is the sole material witness to the alleged occurrence.

Upon scrutiny of the evidence of PW1, it appears that though he has



supported the prosecution case in his examination-in-chief by stating that the accused persons attempted to forcibly occupy the land and harvested crops and that he was pushed by one of the accused, however, his testimony suffers from serious infirmities and contradictions which render it unreliable. In his cross-examination, PW1 has clearly admitted that there exists a long-standing land dispute between the parties and that he has already instituted civil proceedings as well as proceedings before the Hon'ble High Court against the accused persons. This admission is of considerable significance, as it indicates that the dispute between the parties is essentially civil in nature relating to possession and title over land.

Further, PW1 has admitted that the accused persons are bargadars and are engaged in cultivation of land, thereby raising a serious doubt regarding the exclusive possession of the complainant over the disputed land. His inability to recollect the date of his visit to the place of occurrence and the fact that the written complaint was signed by him on behalf of other persons also casts doubt on the spontaneity and genuineness of the FIR.

The testimony of PW3, who is an independent local witness, does not support the prosecution case at all, as he has categorically stated that he does not know anything about the incident. Thus, the prosecution has failed to produce any independent corroboration to the version of PW1, which is essential in a case arising out of a land dispute where false implication cannot be ruled out.

The evidence of PW2, the Investigating Officer, is purely formal in nature. He has proved the steps taken during investigation and the documents prepared, but his evidence does not advance the prosecution case on the point of occurrence. Moreover, in his cross-examination, PW2 has admitted that he does not know whether the accused persons are bargadars in respect of the land in question, which again weakens the prosecution case regarding unlawful trespass.

It is also pertinent to note that the prosecution has alleged offences under Sections 188, 447 and 506 of the IPC. In respect of Section 188 IPC, there is no material on record to show that there was any promulgation of an order by a public servant duly proved in accordance with law and that the accused persons had knowledge of such order and disobeyed the same. In absence of such foundational facts, the offence under Section 188 IPC is not made out.

Similarly, for an offence under Section 447 IPC, the prosecution is required to prove that the accused persons committed criminal trespass with intent to commit an offence or to intimidate, insult or annoy the person in possession. In the present case, in view of the admitted land dispute and the claim of cultivation by the accused persons as bargadars, the element of unlawful entry with requisite criminal intent is not established beyond reasonable doubt.

With regard to Section 506 IPC, there is no specific, clear and convincing evidence of any criminal intimidation. The allegation of pushing the complainant, even if taken at its face value, does not by itself constitute criminal intimidation within the meaning of law.



Thus, upon cumulative appreciation of the entire evidence, it appears that the prosecution case rests solely upon the interested testimony of PW1, which is not corroborated by any independent witness and is further weakened by material admissions and contradictions. The background of civil dispute and prior litigation between the parties gives rise to a strong possibility of exaggeration or false implication.

In such circumstances, the benefit of doubt must necessarily go in favour of the accused persons. The evidence on record falls short of the standard required for recording a conviction in a criminal trial.

Accordingly, this Court is of the considered opinion that the prosecution has failed to prove the charges under Sections 188/447/506/34 of the Indian Penal Code against the accused persons beyond all reasonable doubt, and they are entitled to be acquitted.

Hence; it is

ORDERED

that the accused persons, namely 1. Aditya Bouri 2. Madhusudan Bouri are found to be not guilty of committing the offence under section 188/447/506/34 of IPC. and they are hereby acquitted of the charges framed against him as per section 248 of the Criminal Procedure Code 1973. They are also discharged from the liability of his respective bail-bond and set at liberty. The sureties are 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: 17.04.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;