

FORM - A

<u>District-South 24 Parganas</u> IN THE COURT OF THE JUDICIAL MAGISTRATE 2ND COURT, DIAMOND HARBOUR. Present: S m t . P R I Y A N K A Z I M B A , W B J S (W B 0 1 2 9 3) Judicial Magistrate 2nd Court Diamond Harbour <u>Date of delivery of Judgment:- Thursday, 11-06-2026</u> CASE NUMBER: (Mandir Bazar P.S case No. 32/2025 dated 24-01-2025 Under <u>Section 126(2)/115(2)/351(2) of Bharatiya Nyaya Sanhita</u> <u>GR CASE NO. 212/2025</u> <u>CIS No. 21200/2025</u> <u>CNR No-WBSP14-001038-2025</u>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Ld. A.P.P., Sk Ajijur Rahman.
ACCUSED	(A/1) Hossain Paik.
REPRESENTED BY	Mr. Ashok Kumar Mondal, Advocate Diamond Harbour Criminal Bar Association.

FORM - B

Date of offence	22-01-2025
Date of FIR	24-01-2025
Date of Charge-Sheet	04-02-2025
Date of Framing of Charges	11-06-2026
Date of commencement of Evidence	11-06-2026
Date on which Judgement is reserved	-
Date of Judgement	11-06-2026
Date of the Sentencing Order, if any	Acquitted

Accused details:

Rank of the accused	Name of Accused	Date of arrest	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 of CrEC
A/1	Hossain Paik	N/A	11.08.2025	126(2)/115(2)/351(2) BNS	Acquitted	N/A	N/A

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)
PW-1	Sahadat Paik	Defacto complainant cum victim.

B. Defence Witnesses, if any: NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1		

C. Court Witnesses, if any: NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:

A. Prosecution Exhibits: NIL

Sl. No.	Exhibit Number	Description
1.	Exbt.P-1	

B. Defence Exhibits: NIL

Sl. No.	Exhibit Number	Description
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1.	Exbt.D-1.	
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C. Court Exhibits:NIL

Sl. No.	Exhibit Number	Description
1.	Exbt.C-1.	

D. Material Objects:NIL

Sl. No.	Exhibit Number	Description
1.	MO 1	

J U D G E M E N T

Factual Matrix:-

The instant case is under section 126(2)/115(2)/351(2) of the Bharatiya Nyaya Sanhita. This case was initiated on the basis of complaint lodged by Sahadat Paik before Mandir Bazar P.S stating that on 22-01-2025 at 06:00 am, the accused person restrained the defacto complainant and abused him with filthy language. When he raised objection, he threatened him and assaulted him with fists and blows and bamboo and sabol. As a result, the defacto complainant sustained bodily pain and took treatment from the local doctor. Hence this case.

FIR was lodged and on receipt of the same Mandir Bazar PS Case No. 32/2025 dated 24-01-2025 was started under section 126(2)/117(2)/109 of BNS.

One Ajay Kumar Ray, S.I. of Police, Mandir Bazar P.S. investigated the matter and submitted Charge Sheet being no. 51/2025 dated 04-02-2025 for commission of offense punishable U/S 126(2)/115(2)/351(3) of BNS against the aforesaid accused person.

The accused person being enlarged on bail and having been supplied with copies as per provision of section 230 of B.N.S.S, the case record was received from the Court of Ld ACJM, DDH for disposal.

Later on, charge was framed for commission of offence punishable u/s 126(2)/115(2)/351(2) BNS and contents of the said charges were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Hence, the trial began.

The prosecution has adduced witnesses oral as well as documentary evidence on their behalf. After completion of evidence for the prosecution, the examination of the accused person under section 351 of BNSS was dispensed with considering the prosecution evidence.

Points for Consideration

- a) Has the prosecution able to prove their case against the accused person beyond reasonable doubt?
- b) Is the accused person guilty of the offence punishable under section 126(2)/115(2)/351(2) of BNS?

Heard the argument as advanced on behalf of the prosecution as well as for the defence.

Decisions With Reasons

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

The defacto complainant cum victim Sahadat Paik was examined as PW1 in this case. PW 1 in his evidence stated that he filed this case against the accused person who is his nephew. He then stated that he filed this case because of family dispute and misunderstanding. In his cross-examination the PW1 stated that he has no allegation against the accused person at present and he has no objection if the accused person is acquitted from this case.

On perusal of the evidence on record, I find that defacto complainant cum victim has only deposed that there was a family dispute with the accused persons. Nothing else was stated by him. In fact, in his cross-examination the PW1 stated that he has no allegation against the accused persons. It appeared from the evidence of the prosecution evidence that the parties have settled the matter among themselves but no petition seeking compromise was filed. As such, considering the same and because the offences charged with are compoundable in nature, I find that the accused persons are entitled to get the benefit of doubt.

All the points are thus answered in the negative.

In the result prosecution case fails and the accused persons merit acquittal.

Hence, it is

ORDERED

That the accused persons namely **(A/1) Hossain Paik** is found not guilty of committing the offences punishable under section 126(2)/115(2)/351(2) of BNS and they are hereby acquitted under section 271(1) of B.N.S.S. and discharged from his bail bond.

Seized alamat if any, not disposed of earlier, be disposed of according to the provision of law on expiry of appeal period.

The victim has right to prefer appeal against this judgement under the proviso of section 413 of B.N.S.S and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

The copy of the judgement be forwarded to the District Magistrate South 24 Parganas and DLSA South 24 Parganas for due intimation to the victim.

The case is thus disposed of.

Dict. & Corrected

S/d-

JM 2nd Court DDH.

S/d-

JM 2nd Court DDH.
(JO Code: WB01293)