



**IN THE COURT OF ADDL. SESSIONS JUDGE, F.T.C.-8,  
ALIPORE, SOUTH 24-PARGANAS.**

Present : **Smt. Monikuntala Roy**  
Additional Sessions Judge,  
F.T.C.-8, Alipore,  
South 24-Parganas.

**Sessions Trial No. 05(01)2017**

**C.I.S. 50/2017.**

**CNR: WBSP04-000262-2017**

**State**

**-Versus-**

- 1. Arabindo Halder,**
- 2. Anowar Molla,**
- 3. Jalal Mallick,**
- 4. Madhab Mondal and**
- 5. Mojaffar Mondal**

.....Accused persons.

<b>Sri Anjan Sinha</b>	...Ld. P. P. in-charge	...for the State.
<b>Md. Joynal Khan</b>	...Ld. Defence Counsel	...for the accd. persons.

**Under Section 399/402 of Indian Penal Code and section 25 of Arms Act.**

**Judgement delivered on 11<sup>th</sup> day of March, 2026.**

**JUDGEMENT**

The case of the prosecution in brief is that on 26-12-2000 at 20.05 hours on the basis of source information S.I. Utpal Kumar Saha being O.C. of Bishnupur P.S. and other Officers and force had been to Banjhapi Math, Bhandaria GP, Under P.S. Bishnupur and arrested four miscreants viz. Anowar Molla, Arabindo Halder, Mainuddin Mondal, Jalil Mallick all of under P.S Usthi out of 15/16 miscreants who were assembled there with fire arms, bombs etc. to commit dacoity of Kaste Kumari Village and others were managed to flee away. Thereafter, on their persons being searched by the police, police seized some fire arms, bombs etc. and the same have taken as alamat by preparing proper seizure list. Further on interrogation the



miscreants confessed that they along with others viz. Abul Molla, Abdul Rashid Sardar, Abjal Rashid, Majaffar @ Fatkey, Salem, Madhab and others assembled there to commit dacoity who were managed to flee away on arrival of the police. On the basis of the suomoto complaint lodged by S.I Utpal Kumar Saha of O.C. P.S. Bishnupur the present case was initiated.

Lodging of the FIR, Investigation, Submission of charge sheet, Taking of cognizance, Supply of Copy of Police Report, Commitment and Transfer of the lis instant to this Court for trial.

On the basis of the written complaint so lodged the formal FIR was filled up and Bishnupur P.S. Case No.340 dated 16-12-2000 u/sec 399/402 of IPC, 25/27 Arms Act and 4 and 5 E.S. Act was started. S.I M.K. Dhara was endorsed to do the investigation of the case who on completion of investigation, submitted charge sheet being no.117 dated 19-07-2001 against the 13 accused persons u/sec 399/402 of IPC and 25(1)(a)/27 Arms Act. After submission of charge sheet cognizance of offence was taken by the Ld. ACJM, Alipore, u/sec 119(1)(b) of Code of Criminal Procedure (Later on referred to as Cr.P.C. in course of this judgment), Copy of the Police Reports was served upon ten accused persons namely, **Arabinda Halder, Mainuddin Mondal, Anowar Molla, Jalal Mallick, Madhab Mondal, Anarul Sardar**, Abul Molla, Aftal Rashid Sardar, Mostan Mondal and Kayem Molla u/sec 207 of Cr.P.C. and thereafter the instant lis was committed to the Ld. District & Sessions Judge, South 24 Parganas for trial u/sec 209 of Cr.P.C. The case has been filed for present Abdul Rashid Sardar @ Minu, **Mojaffar Mondal** and Salem Sk. vide Order dated 12-08-2008. After committeemen the case was renumbered at S.C.103(08)2008. Ld. District & Sessions Judge, Alipore transferred this case to this Court for trial and disposal. S.C. 103(08)2025 was renumbered as S.T.05(06)2025. Thereafter, accused Mojaffar Mondal and Abdul Rashid Sardar were brought on record being arrested and in course of trial they were filed for present vide Order Dated 30-05-2013. The accused persons namely, Mostan Mondal, Anarul Sardar, Abul Molla, Aftal Rashid Sardar, Kayem Molla are also filed for present vide Order Dated 30-05-2013.

Thereafter Anarul Sardar surrendered before the Court and obtained bail vide Order Dated 06-03-2014

**Charge:-**

In accordance with provision of section 228 of Cr.P.C., on perusal of the entire materials on record, this court framed charge against the accused persons namely, **Arabinda Halder, Mainuddin Mondal, Anowar Molla, Jalal Mallick, Madhab Mondal, Anarul Sardar, Mojaffar Mondal u/sec 399/402 of IPC and also framed charge against the accused Arabindo Halder and Mainuddin Mondal u/sec 25 of the Arms Act.**



The formal charge was reduced into writing in a separate manuscript charge form and kept with the record. Substance of accusation was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Trial ensued.

The case was filed for present against the accused Mainuddin vide Order No.28 dated 02-03-2021 as the W/A was not executed. In course of trial the accused Anarul Sardar got expired on 19-06-2022 and accordingly he was filed forever from the present case vide Order No.39 dated 11-11-2022.

**Prosecution evidence:**

It transpires from the record that although the evidence of the prosecution started since 17-04-2017 but no iota of evidence could be brought by the prosecution despite of getting several opportunity Ld. Chief P.P. Alipore is also requested so that the prosecution is properly represented vide Order No.50 dated 06-02-2025 and Order No.51 dated 22-04-2025 but the Ld. Prosecution failed to take proper step and accordingly the evidence on behalf of the Prosecution stands closed vide Order No.57 dated 03-02-2026 by my Ld. Predecessor in chair.

Thus, finding no incriminating evidence against the accused persons, the examination of the accused persons u/sec 313 Cr.P.C is dispensed with.

Heard the Ld. P.P in-charge as well as the Ld. Defence Counsel. Ld. Defence Counsel appearing for the accused persons submitted that the present case was initiated vide Bishnupur P.S. Case No.340 (12) 2000 u/sec 399/402 of IPC and 25/27 Arms Act since the year 2000 and the accused persons are facing trial since the year 2017 when the charge was framed. The Ld. Advocate for the accused persons thus submitted before the Court the accused persons deserves acquittal from this case as they have been falsely foisted.

**Points of determination:**

1) Where there is any evidence on record to prove the charge against the accused persons ?

The narrative, the logical arbitration and the peroration charge here in this case has been framed against the accused persons u/sec 399/402 of IPC and section 25 of Arms Act. The logical adjudication of the lis instant and the above issue is to be done in the light of the evidence so adduced by the prosecution and its relevancy apropos the charge so framed in this case against the accused persons.

In the light of the above discussion it appears to the court that the prosecution case suffers due to there being no proper evidence to meet the charge. There is a lot of dubiety in the prosecution case. As such, it is inferred that the prosecution has not been able to prove their case and thereby bring home the charge against the accused persons. Thus, the accused persons are liable to be acquitted from this case.



Considering the same, it is hereby,

**Ordered,**

that the five accused persons namely, ***Arabinda Halder, Anowar Molla, Jalal Mallick, Madhab Mondal and Mojaffar Mondal*** are hereby found “**not guilty**” of the offence under Sections 399/402 IPC and Section 25 Arms Act and accordingly they are **acquitted** from this case under **Section 232 of Cr.P.C.**

The bail bonds furnished by the accused persons are hereby considered as bail bonds u/sec 437 A of Code of Criminal Procedure, 1973 and the same shall remain in force for a period of six months from the date of this order. **Surety concerned stands discharged** from the liability of the bail bonds at the end of the aforesaid period.

Seized amount, if any, be disposed of in accordance with law after the period of appeal is over, keeping in mind that the trial is split in respect of the present accused.

Instant case is thus disposed of in respect of the present accused.

B.C-I is directed to note this disposal both the Trial Register as well as the CIS. B.C-I is further directed to upload the instant judgment in the CIS for knowledge of the General Public.

Record be sent to DRR after expiry of the prescribe period.

In accordance with the mandate as spelt out by the Hon'ble High Court of Calcutta in 2022 LiveLaw (Cal) 101 [Sabitri Bhuniya v The State of West Bengal and Others] let a copy of the judgment be forwarded to the District Magistrate, District South 24 Parganas and the Ld Secretary, DLSA, South 24 parganas for due intimation to the victim.

The alleged victim be also hereby informed that he has the right to prefer an appeal against this judgment of acquittal and if necessary he can avail free legal assistance through the DLSA, South 24 parganas to prefer and prosecute the appeal.

**Note:-** Details of the defacto complainant of this case is as follows:-

***Name of the Defacto Complainant*** : S.I. U.K. Saha, the then O.C. Bishnupur P.S.

**(TYPED, SIGNED, DATED AND DELIVERED IN OPEN COURT)**

Dictated and corrected by,

**Smt Monikuntala Roy,**  
**Addl Sessions Judge, Fast Track 8<sup>th</sup> Court,**  
**Alipore, South 24 Parganas.**  
**JO Code : WB01088**

