

Form A

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE,
17th COURT, ALIPORE, SOUTH 24 PARGANAS**

Present : Smt Monikuntala Roy,
Addl Sessions Judge, Fast Track 8th Court,
Alipore, District South 24 Parganas in-charge of
17th ADJ, Alipore.
JO Code : WB01088

[Date of judgment- The 11th day of March, 2026]

[Sessions Case no.29(05)2024



Sessions Trial no.02(04)2025

CIS Reg. No. 113 of 2025

CNR: WBSP04-000344-2024

(arising out of Sundarban Coastal PS case No.130 of 2023 dated 21-06-2023 u/sec 341/325/307/506/34 of IPC.

Complainant	STATE OF WEST BENGAL
REPRESENTED BY	Ld. Public Prosecutor Md. Abu Toyeb.
ACCUSED	A1) Amaresh Mondal S/o Mrinal Kanti Mondal and 2) Tumpa Mondal W/o Amaresh Mondal
REPRESENTED BY	Ld. Advocate Sri Dhiman Mondal and Sri Mohit Sarkar

FORM B

Date of Offence	21-06-2023
Date of FIR	21-06-2023
Date of Charge Sheet	24-07-2023
Date of Framing of Charges	30-04-2025
Date of commencement of Evidence	05-06-2025
Date on which Judgment is reserved	11-03-2026
Date of the Judgment	11-03-2026
Date of the Sentencing Order, if any	NA

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 Cr.P.C.
1.	Amaresh Mondal	21-06-2023	26-06-2023	325/307/506/34 IPC	Acquitted	-	-
2.	Tumpa Mondal	N/A	28-06-2026	325/307/506/34 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)
PW 1	Mrinal Kanti Mondal	Defacto complainant
PW 2	Dr. Md. Masadur Rahaman Halder	Doctor
PW 3	Basudeb Mondal	Witness
PW 4	Bhabasindu Khandit	Witness

B. Defence Witnesses, if any : NIL

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/1/P.W.1	Signature of the defacto complainant over the written complaint.
2	Exhibit P-2/P.W.2	Injury report

B. Defence : NIL

C. Court Exhibits : NIL

D. Material Objects

Sessions Trial No. 02(04)2025

Prosecution Case :-

The case of the prosecution devoid of dispensable details is that the relationship between defacto complainant Mrinal Kanti Mondal and his son Amaresh Mondal had strained relationship and the trouble was going on between them for a long time. It was the further case of the prosecution that on 21-06-2023 at about 15.00 hours while the defacto complainant was working on fencing with netting, at that time the accused persons having pre-planned started abusing the defacto complainant with filthy languages and on being protested the accused persons being the son and daughter-in-law of the defacto complainant assaulted the defacto complainant on his head with wooden "butoff" with a view to murder him and as a result defacto complainant suffered serious bleeding injury and fell down on the ground and there upon the local people rescued the defacto complainant and took him to nearby BPHC wherein the Medical Officer on duty gave 8 stitches.

On the basis of the written complainant treated as FIR, Sundarban Coastal P.S. Case No. 130 of 2023 dated 21/06/2023 was started U/s 341/325/307/506/34 IPC and on completion of investigation charge sheet was submitted U/s 341/325/307/506/34 IPC against both the accused persons.

Cognizance was taken by the Ld. ACJM, Alipore, Bengal File and the case was committed to the Court of the Ld. District and Sessions Judge, Alipore and thereafter transferred to this court for trial and disposal.

Charge was framed against the accused U/s 325/307/506/34 IPC and the contents was read over and explained to the accused to which they pleaded not guilty and had claimed to be tried. Hence, the instant trial.

POINTS FOR DETERMINATION

In the instant case, the point for determination can be broadly classified as follows :-

1. Whether the prosecution has been able to prove that the accused committed an offence punishable under section 325/307/506/34 IPC beyond all reasonable doubt?

Determination with reasons thereof

Before proceeding to dwell into the points as framed and stated aforesaid, I find it proper to reiterate the evidence as brought on record for the sake of clarity and facilitate the proper adjudication.

Evidence adduced :-

P.W.1 being the de facto complainant stated in his examination in chief that the accused is his son and Tumpa Mondal is his daughter-in-law. He further deposed that in the month of June, 2023 at about 2.00 p.m., the incident occurred at his house. He further deposed that at that point of time he was fencing the brinjal plant and at that point of time altercation took place in between himself and his son over some dispute and as there was slippery at the PO in course of such altercation he fell down on the ground and sustained bleeding injury on his head. He further deposed that the village people took him to a hospital for his medical treatment and he was treated and discharged from the said hospital and thereafter he had been to the P.S. and told one person to write the written complaint but he admitted that the contents of the complaint was not read over and explained to him. He identified his signature over the written complaint which has been marked as Ext.1/1.

P.W.2 being Dr. Md. Masadur Rahaman Halder deposed that on 21-06-2023 while he was posted at Chotto Mollakhali PHC, on 21-06-2023 at 4.30 p.m. one Mrinal Kanti Mondal was brought before him by Bhabasindhu Khandit and the patient was produced before him with a history of physical assault by wooden stick by his son and accordingly he treated him medically. He further deposed that on examination of the injured patient he found cut injury on his occipital region, multiple abrasion and stick injury mark all over the body and also found swelling deformity on the left arm. He further deposed that due to sustaining of injury he had to administered 8 stitches on his wound and also advised him for NCCT of brain and also digital X-ray of left arm A.P. and lateral view was prescribed. He again deposed that in spite of giving advise the patient did not come to him for follow up. He proved the injury report prepared by him under his own hand writing and also bearing his signature and the said injury report was marked as Ext.2. He further deposed that in course of examination of the patient prognosis of the patient was found bad.

During his cross-examination he deposed that there is no mentioning as regard to any GDE in the injury report. He further deposed that he did not mention in his injury report the relation in between the injured and the person who brought the patient before him. He further deposed that the patient did not mention any active bleeding injury in the injury report and there was no oozing injury

marks. He admitted that he did not mention any length and breadth of injury mark in the injury report and did not obtain any signature or LTI of the injured or the person who brought the injured in the injury report. He also admitted that he did not mention any injury mark of the patient in the injury report. However the witness discarded the suggestion that the injury may happen if anyone would fall on the hard substance or all the bush.

P.W.3 Basudeb Mondal and P.W.4 Bhabasindhu Khandit could not depose anything implicating the accused persons in this case and thus their evidence is hardly of any help to the Ld. Prosecution.

It is on such evidence on record that the prosecution has attempted to prove the charges against the accused person.

POINT NO. 1

The point no 1 has been framed upon the question as to whether the prosecution has been able to prove that the accused persons have committed an offence under section 325/307/506/34 of IPC beyond reasonable doubt.

In the instant case it would appear that the defacto complainant who is the injured himself turned his back from the prosecution story and there is no substantive evidence adduced by him on dock implicating the accused persons in the alleged offence.

In absence of any substantial evidence as regard to the manner of getting injury by the victim/defacto complainant only on the basis of the injury report as marked as Ext.P-2/P.W.2 the case of the prosecution will not be established.

It is the duty of the Prosecution to prove the case beyond reasonable doubt by establishing the chain of evidence that unerringly point towards the guilt of the accused persons and no other hypothesis is possible.

However, in the present case the superstructure of the prosecution case based on the testimony of the defacto complainant/injured, has tumbled in the case and the accused persons deserved to be acquitted.

In effect of the above state of affairs this Court had no option but to arrive at the foregone conclusion that the Prosecution in the instant case miserably failed to prove its case. The question of prove beyond the pale of doubt of suspicion did not even arrive. The Prosecution gave no such scope.

In fact, in the final analysis this case appeared to be a classic template of a blank and barren canvas on which the Prosecution failed to pale a portrait guilt of the accused persons. Ergo, the canvas had to

be said asunder. In view thereof, this Court of the opinion that the evidence on record is not sufficient to convict the accused as the Prosecution had failed to prove its case beyond the reasonable doubt.

On a conjoint consideration of the aforesaid discussions and observations and the conclusions reached, I have no qualms to hold that the prosecution has not been able to prove that the accused had committed an offence punishable under section 325/307/506/34 IPC.

The instant point for determination is answered in the negative and against the prosecution.

CONCLUSION

On consideration of the above discussions, it appears that in the instant case it cannot be held that the accused persons have been guilty of committing the alleged offences.

Considering the same, it is hereby

Ordered,

that both the accused persons namely Amaresh Mondal S/o Mrinal Kanti Mondal and Tumpa Mondal W/o Amaresh Mondal are hereby found “**not guilty**” of the offence under Sections 325/307/506/34 IPC and accordingly they are **acquitted** from this case under **Section 235 (1) 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 alamat, if any, be disposed of in accordance with law.

Instant case is thus disposed of.

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 kin of 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 : Mrinal Kanti Mondal

Name of the father of the Defacto Complainant: Lt. Sannyasi Mondal.

Address of the Defacto Complainant:- Taranagar, Malsha, Khalipara, P.S. Sundarban Coastal, South 24 Parganas.

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

Dictated and corrected by,

Sd/-

Smt Monikuntala Roy,

**Addl Sessions Judge, Fast Track 8th Court,
Alipore, District South 24 Parganas in-
charge of 17th ADJ, Alipore**

JO Code : WB01088