

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,  
ALIPORE, SOUTH 24 PARGANAS

Present : Moumita Ray.  
(JO Code No. WB00990)  
Chief Judicial Magistrate,  
Alipore, South 24 Parganas

CGR Case No. - 4970 of 2018  
CIS No. - GR Case No. - 418 of 2026  
CNR No. - WBSP05-000687-2026  
TR – 38 of 2026

STATE

.....Prosecution

V/s.

- (1) Rupa Das.
- (2) Swapna Das.
- (3) Malati Das.
- (4) Nirmal Ch. Das.
- (5) Tumpa Das @ Rekha.
- (6) Kittu Das @ Subrata.

.....Accused person

Under Section 341/323/506/114 of Indian Penal Code

Date of delivery of Judgment : 12.03.2026

**J U D G E M E N T**

The instant case is u/s. 341/323/506/114 of Indian Penal Code. This case was initiated on the basis of the written complaint lodged by defacto complainant Asim Roy.

The brief fact of the case as alleged by the complainant in his written complaint is that on 13.11.2018 the accused persons abused the complainant and his family members with filthy languages and on being protested, the

accused persons assaulted the complainant and his other family members physically and as a result the complainant and his family members sustained injuries on their persons.

On the basis of complaint so lodged the Gariahat PS Case No. 321 of 2018 u/s. 341/323/506/114 of Indian Penal Code was started and after proper investigation, charge-sheet was submitted against the accused persons u/s. 341/323/506/114 of Indian Penal Code.

On perusal of the entire materials, the court framed plea against the accused u/s. 341/323/506/114 of Indian Penal Code. Substance of accusation was read over and explained to the accused persons to which they pleaded 'Not Guilty' and claimed to be tried. Hence this trial.

Trial was held, no witness was examined by the prosecution in support of its case, there after accused were exempted from being examined u/s. 313 of Cr.P.C.

Argument was done at length.

In order to bring home the guilt of the accused u/s. 341/323/506/114 of Indian Penal Code, the Prosecution failed to adduce any evidence.

Witnesses adduced by the prosecution

<u>Sl no.</u>	<u>Name of witness</u>
Nil	

Documents relied upon by the prosecution

<u>Ex no.</u>	<u>Document</u>
Nil	

The defence neither did adduce any evidence nor did exhibit any document on its behalf.

Points for Consideration

Are the accused guilty of the offence punishable u/s. 341/323/506/114 of Indian Penal Code?

Decisions With Reasons

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to decide the case properly.

Ld. PP during the course of argument submitted that the case of the prosecution has not been able to be proved.

On the contrary, Ld. Counsel appearing for the accused had advanced

argument in support of acquittal of the accused.

On perusal of the record, it transpires that the de-facto complainant of this case, has not been examined as a prosecution witness. No witness turned up to support the prosecution case despite repeated opportunities given to the prosecution. The prosecution evidence stood closed on the prayer of the Ld. PP. As such the prosecution has failed to bring the primary material on record to bring home the plea against the accused under the section under which it has been framed. No substantive evidence has come on record from the mouth of prosecution witness where from it can be construed that the plea so framed against the accused has been fully satisfied by the prosecuting agency. No specific evidence is there to satisfy the ingredients of section 341/323/506/114 of Indian Penal Code and/or there is no clear-cut specific evidence u/s. 341/323/506/114 of Indian Penal Code. To satisfy the ingredients of the section the primary thing that has to be satisfied has not been done by the prosecution. There is no cogent evidence on record that the accused committed the alleged offence. That specific evidence is very much lacking in the prosecution case.

It is the prosecution who by not adducing any evidence despite being given the scope to do so by the court, has negated its entire case. Nothing on record is there which can bring home the charge against the accused.

In absence of all these, I find no merit in the case of the prosecution which can book the accused.

I, therefore, hold that the essential ingredients to connect the accused with the offence punishable u/s. 341/323/506/114 of Indian Penal Code is very much absent in the present case. The prosecution has failed to adduce anything which incriminates the accused in this case. Resultantly the accused are entitled to be acquitted of the plea so framed against them u/s. 341/323/506/114 of Indian Penal Code.

All the points are thus answered in the negative.

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

Hence, it is,

#### **O R D E R E D**

that the accused namely, (1) Rupa Das, (2) Swapna Das, (3) Malati Das, (4) Nirmal Ch. Das and (5) Tumpa Das @ Rekha and (6) Kittu Das @ Subrata are found not guilty of the plea so framed against them u/s. 341/323/506/114 of

Indian Penal Code and they be acquitted u/s. 255(1) of Cr.P.C.

The accused are on Court bail. Bail bond shall remain in force for the next six months as per the mandate of Section 437A of Cr.P.C.

The judgment is delivered in open Court. Let necessary noting be made in the germane register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186A of Cr.R.O. of Hon'ble High Court, Calcutta.

D/c by me;

Chief Judicial Magistrate,  
Alipore, South 24 Parganas

Moumita Ray  
Chief Judicial Magistrate,  
Alipore, South 24 Parganas  
JO CODE WB00990

**Addendum**

# The victim/Complainant has a right to prefer an appeal under the proviso to section 372 of the Code of Criminal Procedure and if necessary victim is entitled to avail free legal assistance through Legal Services Authorities concerned to prefer & prosecute such appeal.

# Let a Pdf copy of this judgment be forwarded to the District Magistrate, Alipore, South 24 Parganas & Secretary, DLSA, Alipore, South 24 Parganas for due intimation to the victim as defined under section 2 (wa) of the Code of Criminal Procedure.

# BC-I and BC-II to comply.

Moumita Ray  
Chief Judicial Magistrate,  
Alipore, South 24 Parganas  
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