

IN THE COURT OF JUDICIAL MAGISTRATE
1ST COURT, DIAMOND HARBOUR , SOUTH 24 PARGANAS

Present: Srishti Parasrampuria,
Judicial Magistrate,
1st Court, Diamond Harbour)
(J.O.Code WB1503)

Date of Delivery of Judgment: The 17th day of July, 2026

G.R. Case No. 5391 of 2015

CIS Reg. No.G.R. No. 539100 of 2015

TR No.1104 of 2016

CNR No. WBSP140037522015

(Arising out of Kulpi PS Case No. 649/2015 dated 27.12.2015)

Complainant	State of West Bengal
Represented by	Smt. Chitrita Purkait
Accused	(1) Laresh Das (2) Maya Das (3) Parbati Das
Represented by	Sri Pijush Ghosh

FORM B

Date of Offence	22.05.2015
Date of FIR	27.12.2015
Date of Charge Sheet	30.01.2016
Date of Recording Charge	17.07.2026
Date of Commencement of Evidence	17.07.2026
Date on which Judgment is reserved	N.A.
Date of Judgment	17.07.2026
Date of Sentencing Order, if any	N.A.

Accused Details:

Ran k of the Acc used	Name of Accus ed	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sente nce impos ed	Period of Detentio n Undergo ne during Trial for purpose of Section

							428, Cr.P.C
1	Laresh Das	Surrendered	01.02.2016	323/354 of IPC	Acquitted	N.A.	NIL \\
2	Maya Das	Surrendered	01.02.2016	323/354 of IPC	Acquitted	N.A.	NIL
3	Parbati Das	Surrendered	02.05.2017	323/354 of IPC	Acquitted	N.A.	NIL

Form C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Chandana Das	Eye Witness (Complainant)

B. Defence Witness, if any : None

C. Court Witness, if any: None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits:

Srl. No.	Exhibit Number	Description
1	Exhibit-P-1/ PW1-Series	Signatures of Chandana Das on Written complaint

B. Defence Exhibits : Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

JUDGEMENT

1. The prosecution case in brief is that on 22.05.2015 at about 07.00 p.m. the alleged accused persons forming unlawful assembly and entered forcefully into the house of the defacto complainant namely Chandana Das and started abusing her in filthy language over the issue of land dispute. On being protested by the defacto complainant, the alleged accused persons entered into the house of the defacto complainant and conjointly assaulted her and also outraged the

female modesty of the defacto complainant and damaged trees and some household articles.

2. On the basis of the FIR, the O.C., Kulpi PS started Kulpi PS Case No. 649/2015 dated 27.12.2015. After completion of the investigation, the I/O SI , Tara Sankar Paul submitted Charge-sheet no. 17/2016 dated 30.01.2016 under Sections 341/323/354/448/506 of Indian Penal Code against the accused persons namely Laresh Das, Maya Das, Parbati Das to which Ld. ACJM, Diamond Harbour was pleased to take cognizance and transferred the instant case to this Court for disposal.

3. On 17.07.2026, the accused persons were present before this Court. On perusal of the charge-sheet and other materials on record, this Court framed charge under Sections 323/354 of Indian Penal Code. On that day, the substance of accusation for offence under Sections 323/354 of Indian Penal Code against the accused persons namely Laresh Das, Maya Das, Parbati Das and the substance of accusation was read over and explained to the accused persons to which they pleaded not guilty by saying “Nirdosh” and claimed to be tried in open Court. Hence, this trial began.

4. During evidence, the prosecution adduced evidence of one witnesses i.e. the complainant.

5. After completion of the evidence of the prosecution, the accused persons namely Laresh Das, Maya Das, Parbati Das were examined under Section 313 of the Code of Criminal Procedure. The case of the accused persons as it appears from the examination of the accused persons under Section 313 of the Code of Criminal Procedure is the denial of the prosecution case and plea of innocence. The accused persons, however, declined to adduce any defence witness. Heard arguments of both sides.

6. **POINTS FOR CONSIDERATION**

Whether the prosecution has been able to prove the charge under Sections 323/354 of Indian Penal Code against the accused persons beyond reasonable doubts?

DECISION WITH REASONS

7. At the outset, it is very essential to discuss the evidence adduced by the prosecution.

8. PW-1 Chandana Das, the complainant, deposed in her examination in chief that she had filed this case against accused persons in Court. She has also stated that she filed this case due to some family dispute and at present she does not remember anything regarding the alleged incident and she does not want to say anything regarding the alleged incident.

9. It is a settled principle of law that a guilt must be proved beyond reasonable doubt to sustain conviction. The **Hon'ble Supreme Court in Sharad Birdhichand Sarda Vs. State of Maharashtra (1984) 4 SCC 116** observed that the prosecution must stand or fall on its own legs and it cannot derive any strength from the witness of the defence. In the case of **Kattu Raja Vs. The State decided on 30.04.2013, the Hon'ble Madras High Court** held that mere suspicion based on surmises and conjectures will not take the place of proof.

10. Now the merit of the case has to be decided by considering the evidence of prosecution witness. The evidence of the prosecution did not corroborate the version of the FIR and nothing incriminating has come up in the evidence of the prosecution against the accused persons.

11. In the light of the above discussion, this Court is of the opinion that the prosecution could not prove the allegations of the FIR. Thus, the prosecution has miserably failed to prove the case against the accused persons.

12. Hence it is, **ORDERED**

the accused persons namely Laresh Das, Maya Das, Parbati Das are found not guilty of the offences punishable under Sections 323/354 of Indian Penal Code and he is acquitted on contest under Section 248 (1) of the Code of Criminal Procedure.

The judgment is delivered in open Court today.

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

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

The victim has right to prefer appeal against this judgement under the proviso of section 372 of Criminal Procedure Code 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 off.

W/A if any pending, is canceled and recalled.

Note in the Germane Registers. loaded in the CIS within 48 hours from this day as per Rule 186 A of Cr.R.O. of the Hon'ble High Court, Calcutta.

Dictated and Corrected by me,

Sd/-

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Judicial Magistrate 1st Court,
Diamond Harbour,
(J.O.Code WB01503)
17.07.2026

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