

**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
SOUTH 24-PARGANAS, KAKDWIP**

Present :- Sri Partha Pratim Chakraborty,,
Additional District & Sessions Judge,
Kakdwip, South 24 Parganas.

S.T. 4(6)10, S.C. 73(5)2009
CIS Registration No SC. 196/2016

Arising out of Pathar Pratima P.S.
Case No. 161 dt 27.09.2008corresponding to
G.R. Case No. 639/2008 U/s. 147/148/323/149,427/149,
448/380/149 & 307/149 of I.P.C.

S t a t e

VS.

- 1) Gourhari Prodhan
- 2) Gautam Maity,
- 3) Aparesh Kayal,
- 4) Swapan Sau,
- 5) Arabinda Acharya,
- 6) Rabin Patra,
- 7) Anadi Das.
- 8) Bhaskar Giri,
- 9) Gautam Acharya,
- 10) Tapas Mal,
- 11) Bibekananda Jana,
- 12) Sunil Duwary,
- 13) Sagar Das,
- 14) Kalipada Bera,
- 15) Bomkesh Paul,
- 16) Samiran Guchhait,
- 17) Sakuntola Samanta,
- 18) Sasanka Jana,
- 19) Aswini Paul,
- 20) Tapan Sau,
- 21) Montu Jana,
- 22) Indrajit Mondal,
- 23) Sasanka Bera,
- 24) Susanta Pariya,
- 25) Swapan Giri,
- 26) Sadananda Guria,
- 27) Satyajit Patra,
- 28) Siddherswar Das,
- 29) Abinash Kayal,
- 30) Prabir Guchhait,
- 31) Jharu Charan Das,
- 32) Haripada Patra.

.....Accused persons (on Court Bail).

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Date of F.I.R. : 27.09.2008,

Date of Charge Sheet : 16.11.2008,

Date of commitment : 31.03.2009,

Date of receiving the Case Record : 31.07.2009,

Charge framed on : 26.06.2010

**Charge for the offence U/S. 147/148/323/149,427/149,
448/380/149 & 307/149 of I.P.C.**

For the State :- Anupana Jana, Ld. P.P.-in-Charge,

For the defence :- Shri Gautam Mitra

Judgement delivered on 29th August, 2016.

J U D G E M E N T

This case arose on the basis of a Written Complaint dated 27.09.2008 lodged by Amal Kumar Sau stating inter alia that on 24.09.2008 at about 11-30 p.m. the aforesaid accused persons being armed with deadly weapons entered the house of one Swapan Barui and broke into his room and then started bashing him mercilessly. Hearing the wail of Swapan Barui his mother rushed in and tried to rescue him and the aforesaid accused persons assaulted her too and thereafter they abducted said Swapan Barui. At the time of forcibly drawing Swapan Barui, the accused persons assaulted him with iron rod etc. Thereafter they confined said Swapan Barui in the house of accused Montu Jana. The defacto complainant, with a view to rescue said Swapan Barui, informed the matter to the concerned P.S. Thereafter at about 10-00 a.m. on 25.09.2008 when the defacto complainant was proceeding to his school at that time the accused persons started chasing him with deadly weapons and therefore, the defacto complainant returned to his home and after entering the room

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bolted the same from inside. The accused persons then entered the same after breaking open the same and brandishing the deadly weapons threatened him with dire consequences. The accused persons assaulted the wife of the defacto complainant and took away sum of Rs. 15,000/- gold ornaments and plundered the furniture of the room. The accused persons dragged the defacto complainant towards the pond and dipped him in the same repeatedly. From the said place the accused persons dragged him to the house of accused Sakuntola Samanta and confined him in her house. Due to the forced applied by the accused persons, the defacto complainant suffered injury on different parts of his body.

On the basis of the aforesaid complaint, Pathar Pratima P.S. Case No. 161 dated 27.09.2008 u/s.147/148/323/149/324/325/326/380/307/354/448/427 of I.P.C. was registered.

After registration of the case, it was endorsed to S.I. Chittaranjan Das for investigation. During investigation he visited the P.O, prepared Rough Sketch Map with Index, examined the witnesses, recorded their statements collected Medical Report of the defacto complainant from Madhav Nagar Public Health Center and after completion of investigation submitted Charge Sheet against the accused persons u/s. 147/148/149/323/324/448/307/354/380/427/34 and Section-506 of I.P.C. against the accused persons, namely, 1) Gourhari Prodhan, 2) Gautam Maity, 3) Aparesh Kayal, 4) Swapan Sau, 5) Arabinda Acharya, 6) Rabin Patra, 7) Anadi Das, 8) Bhaskar Giri, 9) Gautam Acharya, 10) Tapan Mal, 11) Bibekananda Jana, 12) Sunil Duwary, 13) Sagar Das, 14) Kalipada Bera, 15) Bomkesh Paul,

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16) Samiran Guchhait, 17) Sakuntola Samanta, 18) Sasanka Jana, 19) Aswini Paul, 20) Tapas Sau, 21) Montu Jana, 22) Indrajit Mondal, 23) Sasanka Bera, 24) Susanta Pariya, 25) Swapan Giri, 26) Sadananda Giri, 27) Satyajit Patra, 28) Siddheshwar Das, 29) Abinash Kayal, 30) Prabir Guchhait, 31) Jharu Charan Das, 32) Haripada Patra.

The aforesaid charge being read over and explained to the accused persons, the accused persons pleaded not guilty and claimed to be tried. Hence, this trial.

The prosecution case, in short, is that on 24th September, 2008 at about 11-00 p.m. at village Sridhar Nagar under P.S. Pathar Pratima the accused persons formed an unlawful assembly and in prosecution of their common object committed rioting with deadly weapons and voluntarily caused hurt to one Swapan Barui and others and that in prosecution of their common object the accused persons committed mischief as well as made attempt to commit murder of Swapan Barui. The prosecution case is also that in prosecution of their common object the accused persons caused loss and damage to the property of Amal Kumar Sau and voluntarily caused hurt to Amal Kumar Sau and also criminally trespassed into the house of Amal Kumar Sau and that they committed theft of 13 articles from Amal Kumar Sau. Besides making attempt to murder said Amal Kumar Sau.

The Defence Case, as it appears from the trend of cross-examination and answers given by the accused persons during their examination u/s. 313 of Cr.P.C., is plea of innocence and denial of prosecution case.

In order to bring home the charge, the prosecution has examined the following witnesses on its behalf :-

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List of prosecution witnesses :

P.W.1 - Abanti Sau,

P.W.2 - Rajkumar Sau,
P.W.3 - Amal Kumar Sau,
P.W.4 - Gita Rani Sau,
P.W. - 5 Arati Sau,
P.W. - 6 Surachi Saw,
P.W.7 - Sankar Barik,
P.W.8 - Asoke Barik,
P.W.9 - Lakshmi Barui,
P.W.-10 Aswini Sau,
P.W.-11 Dr. Chinmay Mondal (Medical Officer),
P.W.- 12 Dr. L.K. Mukherjee (Medical Officer),
P.W.-13 Dr. Ram Prosad Mondal (Medical Officer),
P.W.-14 Abani Kanta Majhi,
P.W.- 15 Chittaranjan Das, I.O.

The following are the exhibits for the prosecution :-

List of Exhibits :-

Ext.-1, Written Complaint dated 27.09.2008 (W/C)
Ext.-1/1, Signature of Rajkumar Sau, on the W/C,
Ext.-1/2, Signature of P.W.3 (D/C) on the W/C) Ext.-1,,
Ext.-1/3, Signature of P.W.14 on the W/C,
Ext.-1/4, Endorsement by P.W.14 on the Ext.-1,
Ext.-2, Injury Report in respect of P.W.3,
Ext.-3, Prescription dated 29.09.2008 by P.W.12 in respect of D/C
i.eP.W.3,
Ext.-3/1, Prescription dated 29.09.2008 in respect of D/C i.e. P.W.3,
Ext.-3/2, Prescription dated 02.11.2008 in respect of D/C i.e. P.W.3,
Ext.-4, Radiological Report, Ext.-5, Formal F.I.R.,
Ext.-6, Rough Sketch Map with Index,

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Before approaching to discuss the evidence of the prosecution side, if

the prosecution case is recapitulate, it will be evident that some of the allegations against the accused persons are alleged hurt and mischief caused to and attempt to commit murder of one Swapan Barui who has not been examined in Court by the prosecution.

A brief discussion about the consequences of incident, before taking up for discussion of the evidence of the prosecution side, will come in handy to understand and appreciate the evidence of the prosecution side.

The prosecution case, as it found from the F.I.R. is that on 29.09.2008 the accused persons set upon Swapan Barui and with oblique motive confined him in the house of accused Montu Jana. Therefore, on 25.09.2008, the defacto complainant of this case, approached before the concerned P.S. for proper redressal. Being infuriated with such effort by the defacto complainant of this case, the accused persons took on him and then beside physically assaulting him committed other offence of criminal mischief, extortion etc.

From the aforesaid it is clear that in respect of the alleged offences there are two different places of occurrence. The first one is village Sridhar Nagar under P.S. Pathar Pratima at the house of Swapan Barui and then at the house of accused Montu Jana. In respect of other offence coming under the heading from a Charge No. 6 onward the P.O. is house of the P.W. 3 and thereafter the house of accused Sakuntola Samanta.

In the Charge Sheet Swapan Barui has not been shown as witness against whom the alleged first offence was committed. Said offences were committed as mentioned in Charge No. 2 to 5 in the heading of formal charge.

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During investigation the I.O. prepared Sketch Map of the P.O. from which it appears that I.P. Prepared the said Rough Sketch Map with Index showing the house of the defacto complainant (P.W.3) as P.O.

Out of the 15 prosecution witnesses 5 witnesses are out-rightly formal in nature. They are P.W.11 to P.W.15.

P.W.2 has proved the Written Complaint as scribe of the same.

P.W.8, who is the co-villager of the defacto complainant, has been declared hostile by the prosecution. But in this regard no question was put to the I.O. by the prosecution.

P.W.1 is the brother of the defacto complainant.

P.W.4 is the wife of the defacto complainant.

P..5 is the sister of the defacto complainant.

P.W.6 is the mother of the defacto complainant.

P.W.10 is the brother of the defacto complainant.

P.W.2, P.W.7 and P.W.9 are the co-villagers of the defacto complainant.

From the evidence of P.W.1 it is found that this witness has identified the accused persons like P.W. Nos. 3, 4, 5, 6, 7 and 9.

P.W.1 has deposed that on 8th Aswin, 1415 BS, at about 10-00 a.m. the accused persons chased the defacto complainant. Therefore, the defacto complainant entered into his house and closed the door of his room from inside. Thereafter within a few seconds the 32 accused persons entered their house and broke open the said room and then they assaulted the defacto complainant and dragged him out of the said room. At that time the accused persons took a sum of Rs. 15,000/-, gold necklace and one pair of gold made 'bouti' lying under the

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matress of the cot of the defcto complainant. After that the accused persons took the defacto complainant to the house of Sakuntola Samanta and at the time of leaving, the accused persons threatened the sister-in-law of this witness (i.e the wife of P.W.3) to make her widow by killing P.W.3. On the next line this witness has deposed that when the aforesaid incident took

place, he was at the house of another elder brother Aswini Sau i.e. P.W.10 whose house is situated adjacent to their house and from the said place he noticed the entire incident. The evidence of P.W.4 does not support the evidence of P.W.4 who has stated that while leaving the room, the accused persons assaulted her mother-in-law (ie. P.W.6) by kicks.

P.W.6, i.e. the mother of the defacto complainant, has not also stated that she was assaulted by the accused persons. Like P.W.1, the other P.Ws. (i.e. P.W.4, P.W.5, P.W.6, P.W.7 and P.W.9) have deposed tat while going away, the accused persons took a sum of Rs. 15,000/- and gold ornaments like 'bouti, pala' etc. from the house of the defacto complainant.

P.W.1 has deposed that accused Gourhari and Aurobinda assaulted the defacto complainant with iron rd which caused fracture injury on the left hand of the defacto complainant. In this regard the report of the Radiologist i.e. Ext.4 should be gone through. From Ext.-4 (i.e. Report of the Radiologist), it appears that he detected dislocation of shoulder joint. The report was prepared on the basis of the examination on 28.09.2008. According to the prosecution case, the alleged incident of assault upon the P.W.3 was caused on 25.09.2008. From Ext-2, prepared by P.W.11 it appears that on 25.09.2008 said P.W.11 observe in his report that he found simple

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bruise mark on the backside and left arm of the defacto complainant Besides observing blunt injury on the left arm.

The defacto complainant (P.W.3) has deposed that on 25.09.2008 the accused persons chased him with deadly weapons in their hands Therefore, he returned back to his house and closed the door of his room from inside. But the accused persons broke open the room and then out of the said accused persons, accused Gourhari, Aurabinda and Gautam dragged hi outside the room and holding his hair while the other accused persons,

namely, Bablu, Rabin, Swapan Sau, Samiran, Swapan Giri started assaulting him with fists and blows. Then Gourhari Prodhan approached towards him with sharp cutting weapon with intent to kill him on being instructed by accused Aurobinda Acharya. When the mother and wife of this witness requested the accused persons to release this witness, then the accused persons assaulted them. In this regard the evidence of P.W.1, P.W.4 and P.W.6 should be remembered because those witnesses did not state about the said assault. Therefore, that part of the evidence of P.W.3 should be considered with a pinch of salt. P.W.3 also deposed that the accused Aparesh Kayal, Gutam Acharya, Tapas Maity entered his room and took Rs. 15,000/- and to sets of gold ornaments lying under the mattress of his room. After that, the accused persons dragged this witness to a pond and dipped him in the said pond and then they lodged him in the house of Sakuntola Samanta and confined him where the accused Gourhari and Aurabinda assaulted him with iron rod But the P.W.1 has deposed that he saw the accused Aurabinda and Gourhari to beat P.W.3/ defacto complainant at the place of occurrence i.e. at the house of P.W.6.

P.W.3 has also deposed in Court that he lodged the W/C on the

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next day after recovery from the injury he suffered on 24.09.2008.

According to this witness, after submission of W/C, police took him to Madhav Nagar Sastha Kendra for treatment here he was admitted for 4 or 5 days and therefrom he was referred to Diamond Harbour S.D. Hospital for better treatment. From the evidence of this witness it is found that in the Diamond Harour S.D. Hospital he was treated as out-door patient and subsequently he was treated by Dr. L.K. Mukherjee, one Orthopedic Surgeon, attached to Diamond Harbour S.D. Hospital. **During cross-examination** of this witness, this witness denied the suggestions put by the Id. Defence Counsel that there was any incident of poisoning to fishery for which one

Swapam Barui, who is in the center of dispute of this case, was apprehended by the village people or that said Swapam Barui admitted that he had mixed any poison in the pond or that said Swapam Barui disclosed his (P.W.3) name in his 'Muchlekha' or that these accused persons are not involved in the offence as stated by this witness in examination-in-chief. This witness stated that he does not know about pendency of any P.S. Case being No. 163/2008 or any G.R. Case vide No. 319/2007 against him. However, admitted existence of one complain case vide No. 347/2002 u/s. 323/384 of I.P.C. against him. There is no other notable point in the lengthy cross-examination of this witness.

P.W.4 is the wife of the defacto complainant who stated that in spite of request by her and her mother-in-law the accused persons declined to release the PW.3 and while going away the accused persons took away a sum of Rs. 15,000/- and gold ornaments as stated by the other witnesses. This witness state that the accused persons assaulted her mother-in-law i.e. P.W.6.

P.W.6 corroborated part of the aforesaid statements of P.W.3 and

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P.W.4 but from the evidence of this witness (P.W.6) I do not find that the accused persons assaulted her. Therefore, after considering the evidence of P.W.4 and P.W.6 it is found that none of them stated that they were in any way assaulted by the accused persons. Therefore, the prosecution case to that effect does not get any support from the evidence of most vital witnesses with regard to the said charge that the accused persons assaulted P.W.4 and P.W.6.

In view of the aforesaid discussion by now it is clear that the prosecution case is shorter than what was initially appeared in the first blush.

At this moment it will be apt to recall that, in the foregoing paragraphs I have mentioned that with regard to the offence against one Swapam Barui i.e. with regard to charge u/s. 148/323/427/307 read with Section-149 of I.P.C.,

Swapn Barui ha not been examined by the prosecution. No explanation has been given by the prosecution for non-examination of the said important witness with reference to the charge u/s. 148/323/427/307 read with Section-149 of I.P.C. Therefore, the prosecution case, with regard to the said charges stands on weak footing.

Now, I will focus on to ascertain the answers with regard to the other offences committed against P.W.3 and charge u/s.427/323/448-/380/-307 read with Section-149 of I.P.C.

For the sake of conveniences, out of the charges u/s.427/323/448-/380/307 read with Section-149 of I.P.C., I will pick up the charges one by one. In respect of charge u/s. 307 of I.P.C., I will make effort to find answer in the light of the materials on record. Not admitting but assuming that it is true that the accused persons being armed with deadly weapons went to the house of the P.W.3 and

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assaulted him and P.W.3 sustained injury due to such assault, that fact goes to suggest lack of mens rea required for Section-307 of I.P.C. As the accused persons with their collective effort could have easily accomplished the desired goal of committing murder, if they had any intention to do so and as they were armed with deadly weapons and still they did not cause any extraordinary life threatening assault and as even after taking him in their grip they did not try to cause such harm which may establish or show the intention of committing murder, therefore, the common sense says that under the aforesaid host of circumstances it is unreasonable to assume existence of intention for attempt to commit murder. In this regard I would prefer to mention that there are four stages towards commission of crime which are intention, preparation, attempt and commission. The prosecution must prove the existence of aforesaid 3 stages out of 4 stages by producing convincing evidence for establishing charge u/s. 307 of I.P.C.

Now, I will proceed to discuss the evidence from the perspective of Section-380 of I.P.C. to find answer in respect of that charge.

P.W.1, P.W.2, P.W.3, P.W.4 and other witnesses all have consistently stated that the accused persons entered into the house of the P.W. 3 with armed with deadly weapons and robbed gold ornaments and cash of Rs. 15,000/-. To consider the genuineness and credibility of the statements of the witnesses to the effect that gold ornaments and cash of Rs. 15,000/- were robbed, I must keep in mind that the said witnesses are all in some way or other directly related to the defacto complainant and said articles were not seized and moreover, no explanation has been given by the prosecution regarding failure for recovery and production of the said articles. Therefore, due to the aforesaid weak parts I can not conveniently accept the evidence of the

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prosecution on the said point as credible and clinching.

Regarding charge u/s. 147 of I.P.C. the prosecution witnesses have been stated that all the 32 accused persons being armed with deadly weapons entered the house of the P.W.3 and they applied force to break open the door and thereafter they pulled the P.W.3 out of the room and dragged him towards pond where they dipped the P.W.3 and thereafter took him to the house of Sakuntola Samanta. Regarding the aforesaid evidence the Defence has failed to point out any weak point or any circumstances which may make the evidence untrustworthy. The aforesaid evidence shows that the 32 accused persons gathered with lathi and other articles like that in their hands and then applied criminal force. The said overact of the accused persons attracts penal consequences u/s. 147 of I.P.C. and therefore, answers must be given in favour of the prosecution with regard to the said charge.

After careful scrutiny of the evidence I find consistent and credible evidence with regard to the charge u/s. 448 of I.P.C. There is no weak part or

inconsistency in the evidence of the prosecution side with regard to the said charge. As in the earlier part of this Judgement I have discussed about the evidence of the prosecution witnesses, which evidence includes the evidence on this point, therefore, it is better to avoid repetition of the same for the sake of brevity. After considering the evidence, I find that the accused persons committed offence u/s. 448 of I.P.C. trespassing the house of the P.W.3.

Regarding charge u/s. 323 of I.P.C. the P.W.3 has stated that he was assaulted by accused Gourhari Prodhan, Aurobinda Acharya and Gutam Maity. From Ext.-3, Ext.3/1, Ext.3/2 and Ext.-4 it is found that **i) there was dislocation of the shoulder joint and ii) injury on some part of his body.**

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Therefore, the oral evidence of P.W.1 finds support from the medical accounts. Those documents show that the P.W.3 was treated on 29.09.2008 and his Radiological Examination was done on 28.09.2008. In his evidence P.W.3 has stated that he received fracture injury on his left shoulder. Besides mere denial there is nothing in the cross-examination which may reduce the value of the said evidence which is supported by medical account. In view of this, in my view, answer must be given in favour of the prosecution for charge u/s. 323 of I.P.C.

All the witnesses have stated that the 32 accused persons were present at the time of commission of offence.

H e n c e, it is

ORDERED,

that the accused persons are found not guilty to the charge punishable u/s. 148/323/427/307 of I.P.C. read with Section 149 of I.P.C. and Section 427/380/307 of I.P.C. as mentioned in the formal charge heading No. 2 to 5 and charge heading No. 6,9 & 10. The accused persons, namely, 1) Gourhari Prodhan, 2) Gautam Maity, 3) Aparesh Kayal, 4) Swapan Sau, 5) Arabinda Acharya, 6) Rabin Patra, 7) Anadi Das, 8) Bhaskar Giri, 9) Gautam Acharya,

10) Tapas Mal, 11) Vivekananda Jana, 12) Sunil Duwary, 13) Sagar Das, 14) Kalipada Bera, 15) Bomkesh Paul, 16) Samiran Guchhait, 17) Sakuntola Samanta, 18) Sasanka Jana, 19) Aswini Paul, 20) Tapan Sau, 21) Montu Jana, 22) Indrajit Mondal, 23) Sasanka Bera, 24) Susanta Pariya, 25) Swapan Giri, 26) Sadananda Guria, 27) Satyajit Patra, 28) Siddherswar Das, 29) Abinash Kayal, 30) Prabir Guchhait, 31) Jharu Charan Das, 32) Haripada Patra are acquitted from the said charge u/s. 148/323/427/-307 of I.P.C. and charge u/s. 427/307/380 of I.P.C. read

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with Section-149 of I.P.C.

The accused persons are found guilty to the charge punishable u/s. 147/448/323 of I.P.C. read with Section-149 of I.P.C. mentioned in the formal charge No.1, 7 and 8.

The accused persons, namely, 1) Gourhari Prodhan, 2) Gautam Maity, 3) Aparesh Kayal, 4) Swapan Sau, 5) Arabinda Acharya, 6) Rabin Patra, 7) Anadi Das, 8) Bhaskar Giri, 9) Gautam Acharya, 10) Tapas Mal, 11) Bibekananda Jana, 12) Sunil Duwary, 13) Sagar Das, 14) Kalipada Bera, 15) Bomkesh Paul, 16) Samiran Guchhait, 17) Sakuntola Samanta, 18) Sasanka Jana, 19) Aswini Paul, 20) Tapan Sau, 21) Montu Jana, 22) Indrajit Mondal, 23) Sasanka Bera, 24) Susanta Pariya, 25) Swapan Giri, 26) Sadananda Guria, 27) Satyajit Patra, 28) Siddherswar Das, 29) Abinash Kayal, 30) Prabir Guchhait, 31) Jharu Charan Das, 32) Haripada Patra are convicted for the said offence u/s. 147/448/323 of I.P.C.

Accused persons are on bail. Their bail bonds are cancelled. The convicts are taken into custody. They will be heard on the point of sentence after half an hour.

Dict. & Corr. by me,
(P.P. Chakraborty)
Addl. Dist. & Sessions Judge,

(P.P. Chakraborty)
Addl. Dist. & Sessions Judge,
Kakdwip, South 24-Parganas

S.T. 4(6)10

L a t e r

O r d e r

Dt. 29.08.16.

Now the case is taken up for hearing on the point of sentence.

All the convicts are present before me.

I asked the convicts to submit their individual case for assessment of punishment.

Ld. Counsel for convicts is present.

The convicts jointly submitted that they beg mercy for the offence.

Ld. Counsel for convicts prays for lesser punishment and to release them after admonition.

Ld. P.P.-in-charge prays for highest punishment.

Under the facts and circumstances I find no ground to apply Section-360 of Cr.P.C.

The benefits of Section-3 & 4 of the Probation of Offenders Act cannot be applied in the present case.

Considering the aggravating and mitigating circumstances and considering the fact that no adverse circumstances has been proved against the convicts, it is

O r d e r e d,

that each convicts, namely, 1) Gourhari Prodhan, 2) Gautam Maity, 3) Aparesh Kayal, 4) Swapan Sau, 5) Arabinda Acharya, 6) Rabin Patra, 7)

Anadi Das, 8) Bhaskar Giri, 9) Gautam Acharya, 10) Tapas Mal, 11) Bibekananda Jana, 12) Sunil Duwary, 13) Sagar Das, 14) Kalipada Bera, 15) Bomkesh Paul, 16) Samiran Guchhait, 17) Sakuntola Samanta, 18) Sasanka Jana, 19) Aswini Paul, 20) Tapan Sau, 21) Montu Jana, 22) Indrajit Mondal, 23) Sasanka Bera, 24) Susanta Pariya, 25) Swapan Giri, 26) Sadananda Guria, 27) Satyajit Patra, 28) Siddherswar Das, 29) Abinash Kayal, 30) Prabir Guchhait, 31) Jharu Charan Das, 32) Haripada Patra convicted for the offence punishable u/s. 147 of I.P.C. are sentenced to suffer S.I. for four months and to pay fine of Rs. 300/- for the offence punishable u/s. 147 of I.P.C. i.d. to S.I. for one month.

The each convict, namely, 1) Gourhari Prodhan, 2) Gautam Maity, 3) Aparesh Kayal, 4) Swapan Sau, 5) Arabinda Acharya, 6) Rabin Patra, 7) Anadi Das, 8) Bhaskar Giri, 9) Gautam Acharya, 10) Tapas Mal, 11) Bibekananda Jana, 12) Sunil Duwary, 13) Sagar Das, 14) Kalipada Bera, 15) Bomkesh Paul, 16) Samiran Guchhait, 17) Sakuntola Samanta, 18) Sasanka Jana, 19) Aswini Paul, 20) Tapan Sau, 21) Montu Jana, 22) Indrajit Mondal, 23) Sasanka Bera, 24) Susanta Pariya, 25) Swapan Giri, 26) Sadananda Guria, 27) Satyajit Patra, 28) Siddherswar Das, 29) Abinash Kayal, 30) Prabir Guchhait, 31) Jharu Charan Das, 32) Haripada Patra convicted for the offence punishable u/s. 323/149 of I.P.C. are sentenced to suffer S.I. for two months and to pay fine of Rs. 150/- for the offence punishable u/s. 323 of I.P.C. i.d. to S.I. For 15 days.

Each convicts, namely, 1) Gourhari Prodhan, 2) Gautam Maity, 3) Aparesh Kayal, 4) Swapan Sau, 5) Arabinda Acharya, 6) Rabin Patra, 7) Anadi Das, 8) Bhaskar Giri, 9) Gautam Acharya, 10) Tapas Mal, 11) Bibekananda Jana, 12) Sunil Duwary, 13) Sagar Das, 14) Kalipada Bera, 15) Bomkesh Paul, 16) Samiran Guchhait, 17) Sakuntola Samanta, 18) Sasanka Jana, 19) Aswini Paul, 20) Tapan Sau, 21) Montu Jana, 22) Indrajit Mondal, 23) Sasanka Bera, 24) Susanta Pariya, 25) Swapan Giri, 26) Sadananda Guria, 27) Satyajit Patra, 28) Siddherswar Das, 29) Abinash Kayal, 30) Prabir Guchhait, 31) Jharu

Charan Das, 32) Haripada Patra convicted for the offence punishable u/s. 448/149 of I.P.C. are sentenced to suffer S.I. for two months and to pay fine of Rs. 150/- for the offence punishable u/s. 448 of I.P.C. i.d. to S.I. for another 15 days.

All the sentence of imprisonment shall run concurrently.

The period of detention be set of as per Section-428 of Cr.P.C.

The seized articles be destroyed after the expiry of the period of appeal.

Let a copy of this Judgement be given to the convict free of cost as per Section 363 of Cr.P.C.

Let a copy of the Finding be given to the District Magistrate, South 24-Parganas, Alipore, as per Section-365 of Cr.P.C.

The case is, thus, disposed of u/s. 235(2) of Cr.P.C.

Dict. & Corr. by me,

(P.P. Chakraborty)
Addl. Dist. & Sessions Judge,
Kakdwip, South 24-Parganas

(P.P. Chakraborty)
Addl. Dist. & Sessions Judge,
Kakdwip, South 24-Parganas