

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KAKDWIP, SOUTH 24 PARGANAS**

Present : Tshering Wangchuk Bhutia
(JO Code : WB01270)
Additional Chief Judicial Magistrate,
Kakdwip, South 24 Parganas.

Date of the Judgment : 17-03-2026
G.R. 1284/2013

CNR No. WBSP17-001295-2013

(Kakdwip P.S. Case No. 454/2013 dated 03/09/2013)

Complainant	State of West Bengal
Represented by	Ld. A.P.P. Shantanu Mondal
Accused	Ranjit Singh @ Guria
Represented by	Ld. Advocate Subhas Chandra Naiya

Date of offence	09/08/2013
Date of FIR	03/09/2013
Date of Charge sheet	29/11/2013
Date of framing of charges	13/02/2020
Date of commencement of evidence	04/07/2020
Date on which Judgment is reserved	N.A.
Date of the Judgment	17/03/2026
Date of the sentencing order, if any	N.A.

Accused details :

Rank of the accused	Name of the 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	Ranjit Singh @ Guria	N.A.	30/10/2013	U/s. 323/354/506 IPC	Acquitted	N.A.	N.A.

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

RANK	NAME	Nature of evidence (Eye witness, Police witness, Expert witness, Medical witness, Panchwitness, Other witness)
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P.W. 1	Swapan Kumar Maity	De facto complainant cum Victim
P.W. 2	Sipra Maity	Victim

B. Defence Witnesses, if any : Nil.

C. Court Witnesses, if any : Nil.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exbt. 1	Written FIR
2.	Exbit. 1/1	Signature of PW 1 in Exhibit no. 1.

B. Defence : Nil.

C. Court Exhibits : Nil.

D. Material Objects : Nil.

JUDGMENT

Fact of the case

1. The instant case originated on the basis of petition filed u/s. 156(3) of CrPC by the de facto complainant namely, Swapan Kumar Maity. The prosecution in short is that a pillar was installed in the rough road located in front of de facto complainant's house to avoid major damage. It is alleged that the accused on 09/08/2013 at around 4-30 PM came in front of de facto complainant's house and started to hurl abuses. The de facto complainant raised objection, but he was attacked and assaulted by the accused. The wife of de facto complainant came to the spot and tried to intervene but she was also assaulted. It is also alleged that accused outraged modesty of de facto complainant's wife. It is further alleged that the accused threatened to harm the de facto complainant and his family members. It is claimed that local PS was informed about the incident, but no step was taken. Thereafter the de facto complainant filed petition u/s. 156(3) of CrPC in this court. The petition was allowed and sent to the local PS for investigation.
2. Kakdwip PS after receiving the FIR, registered the same and SI P.K. Mondal was tasked to investigate the matter. After completion of investigation the I/O filed C.S. bearing no. 431/2013 dated 18/11/2013 u/s. 323/332/354/506 of IPC against FIR named accused. Cognizance was taken and record was transferred to this Court for trial.
3. After appearance of the accused, charges u/s 323/354/506 IPC was framed against him. He pleaded not guilty and claimed to be tried. The prosecution produced two witnesses to prove its case. After closure of evidence, the accused was examined u/s. 313 of CrPC. He pleaded not guilty, but declined to produce any witness.

Points for determination

Point no. 1 : Whether the accused committed any offence punishable u/s. 323/354/506 IPC or not ?

Point no. 2 : Whether the prosecution has been able to prove its case beyond any reasonable doubt or not ?

Decision with reasons :-

1. All the points are taken up together for discussion and decision thereupon as they are interlinked.
2. It is settled principle that in trial of criminal case the prosecution is under obligation to prove its case beyond all reasonable doubts. The accused persons are presumed to be innocent until and unless the prosecution is able to bring home the charges by adducing cogent and unimpeachable evidence.
3. The prosecution and produced and examined its best witness i.e. both the victims. De facto complainant examined as PW 1 deposed that on the day of incident one pillar was installed to stop passing of vehicles to avoid damage of newly constructed road. He deposed that the accused came in front of his house and started to hurl abuses and then an altercation took place. The witness failed to highlight any other incident. He was declared hostile by the prosecution and was cross examined in full. PW 2 Sipra Maity is another victim of this case. She also deposed that there was a verbal altercation between her and the accused regarding use of newly constructed road. But she failed to highlight any other incident.
4. The prosecution case stands on the allegation that the accused verbally abused and then assaulted the de facto complainant. There is also claim of physical assault upon wife of de facto complainant. Both the victims highlighted that there was altercation regarding use of newly constructed road. PW 1 also highlighted that the accused hurled abuses. But both the witness failed to highlight any incident of physical assault, outraging of modesty and criminal intimidation. There is no materials to show that the witnesses were coerced in any manner.
5. After considering materials on record, it is clear that the prosecution has failed to bring on record credible ocular and documentary evidence to prove beyond reasonable doubt that the accused committed offence u/s. 323/354/506 of IPC. In absence of credible evidence, the accused merit acquittal from this case. Both the points for consideration is decided against the prosecution.
6. Hence, it is,

ORDERED

That the accused is found not guilty of committing offence punishable u/s. 323/354/506 IPC and he is hereby acquitted u/s. 248(1) of CrPC. The accused is hereby set at liberty. The surety is discharged from the obligation under the bail-bonds.

Note in the relevant register.

Dictated and Corrected by me.

Additional Chief Judicial Magistrate
Kakdwip, South 24 Parganas.

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