

CNR WBUD01-000041-2024, JO CODE WB00993

Sess. Case no.80/2024

13/17.04.2026

Today is fixed for appearance.

All the 7 accused persons on CB are present by filing hajira.

Record is taken up for charge hearing.

Heard Ld.P.P in charge who submitted that c/s has been filed against the 7 accused persons in respect of offences punishable u/s.341/323/307/506/34 of IPC and adding sec-195A IPC.

Ld. P.P prayed for framing charge against the accused persons by submitting that it is the prosecution story that FIR was lodged by one Mostafa Ali against these accused persons at Raiganj PS. It was alleged in the FIR that earlier a case had been instituted against the accused persons by his mother where there was allegation of committing murder of the father of this complainant by the accused persons. In this FIR, it had been alleged that on 23.04.2019 this complainant was restrained by the accused persons and assaulted. He was also threatened of dire consequences if the previous murder case was not withdrawn by his family.

Ld P.P submitted that after completing investigation, police submitted c/s against the accused persons in respect of offences as stated above. Ld P.P prayed for framing charge accordingly.

Ld defence counsel submitted that this is not a case which is Sessions triable in nature. Ld defence counsel argued that there is no material at all to attract the provision of sec-195A of IPC. Sec-195A IPC deals with the Penal provision of the offence of "threatening any person to give false evidence". Ld advocate argued that no false evidence of any kind was adduced in any judicial or other proceeding by the victim, as a result of alleged threat by the accused persons. For such reason, no charge can be framed against the accused persons u/s. 195A IPC.

Ld defence counsel further argued that there is no material at all to attract sec-307 IPC. There is allegation in the FIR that the accused persons had assaulted the victim and tried to kill him by way of throttling. But at the time of investigation, the IO has failed to collect any material from which it could be prima facie established that the victim had been assaulted. Ld advocate emphasised that there is no injury report of the victim though there is allegation in the FIR that the victim had been assaulted.

Ld defence counsel accordingly prayed for passing necessary order.

I have heard both sides. I have perused the FIR, charge sheet and other relevant documents available in the case record.

I have perused the CD including the statements of witnesses recorded u/s. 161 CrPC. It appears that there is no injury report of any kind. Except the oral evidence of witnesses, there is no prima facie

material to come to any preliminary/prima facie finding that the victim/complainant had received any kind of injury as a result of alleged physical assault.

Having considered available materials, I find that this is not a fit case where any charge u/s.307 IPC should be framed.

There is also no material at all to frame charge u/s. 195A IPC as the allegation of threat is to withdraw a previous case of murder, as appears from the FIR. There is no allegation that the victim had been threatened to give any false evidence in any judicial or other proceeding.

Having considered the prima facie materials, I am of the view that there is prima facie ingredient against all the accused persons which justifies framing charge against them for offences punishable u/s. 341/323/506/34 IPC.

All the offences as stated above are Magistrate triable in nature.

Accordingly, I consider that this case should be sent back to the court of Ld CJM, Raiganj, Uttar Dinajpur.

Let the case record be accordingly transmitted to the court of Ld CJM, Raiganj, Uttar Dinajpur.

Ld CJM, Raiganj, Uttar Dinajpur shall frame charges against the accused persons for offences punishable u/s. 341/323/506/34 IPC and shall conduct trial either himself or by any other Judicial Magistrate of the 1<sup>st</sup> class as Ld CJM, thinks fit.

Accused persons are directed to appear before Ld CJM, Raiganj, Uttar Dinajpur on the next date.

B.C is directed to make necessary entry in the relevant registers and in CIS.

Fix 11.05.2026 for appearance before Ld. CJM, Raiganj, Uttar Dinajpur.

Ld P.P in charge is requested to hand over the CD to the proper authority as per rules.

Dictated by me.

Judge

Addl. Dist. & Sess. Judge,  
FTC-I, Raiganj, Uttar Dinajpur.