

FORM -:- A

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE, FAST TRACK COURT- I, RAIGANJ, UTTAR DINAJPUR
-:- PRESENT -:- Sri Surajit Mandal (JO Code No. WB-993) ADDITIONAL DISTRICT & SESSIONS JUDGE, FAST TRACK COURT- I, RAIGANJ, UTTAR DINAJPUR
SESSIONS CASE NO.183 of 2025
S.T. NO.10/2025 CIS No.183 of 2025
CNR NO.WBUD01002647-2025
Case Under Section-118(2)/109 (1) BNS.
Delivery date of Judgment: The 23rd day of March, 2026
Details of the FIR/ Police Station – The instant case is in connection with Kaliyaganj Police Station Case No.224 of 2025 dated.12.06.2025

COMPLAINANT	-:-	STATE OF WEST BENGAL
PRESENTED BY	-:-	Mr. Subhadeep Mukherjee, Learned P.P.in-charge.
Name of accused person	-:- -:-	Amulya Barman
Represented by	-:-	Ld. Advocate, Md. Shah Alam, Deputy Chief LADCS

FORM -:- B

Date of Offence	-:-	12.06.2025
Date of FIR	-:-	12.06.2025
Date of Charge-Sheet	-:-	14.07.2025
Date of Framing of Charge	-:-	13.11.2025
Date of commencement of evidence	-:-	05.01.2025
Date on which judgment is reserved	-:-	NIL
Date of the judgment	-:-	23.03.2026
Date of the sentencing order, if any	-:-	Not applicable

-:- ACCUSED DETAILS -:-

Rank of the accused	Name of 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 CrPC.
01.	Amulya	13.06.2025	07.01.2026	U/	Acquitted	N/A	N/A

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	Barman			s.118(2)/ 109(1) BNS			
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FORM :- C**:- LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

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A. PROSECUTION :-

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
01.	Mina Barman	Defacto complainant
02.	Arun Barman	Local witness
03.	Pari Barman	Local witness
04.	Pramila Barman	Local witness

B. DEFENCE WITNESSES, IF ANY :-

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
Nil	Nil	Nil

C. COURT WITNESSES, IF ANY :-

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
Nil	Nil	Nil

:- LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:-**(A). PROSECUTION :-**

Sl. No.	Exhibit Number	Description

(B). DEFENCE :-

Sl. No.	Exhibit Number	Description
1.	Nil	Nil

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(C). COURT EXHIBITS :-

Sl. No.	Exhibit Number	Description
Nil	Nil	Nil

(D). MATERIAL OBJECTS :-

Sl. No.	Material Object Number	Description
1.		

JUDGMENT

1. Facts of the case :- Prosecution case in short is that on 12.06.2025, a written complaint was lodged by one Mina Barman at Kaliyaganj P.S against the accused. It was alleged that the accused had assaulted her mother- in- law resulting in injuries to her. She had to receive treatment in the Hospital.

1.1 Based on the written complaint, police registered a formal F.I.R and started a specific case being Kaliyaganj Police Station Case No.224 of 2025 dated.12.06.2025 in respect of offences punishable u/s.109(1)/118(2)/351(2) of BNS.

1.2 After a through investigation, charge-sheet was filed against the FIR named accused Amulya Barman in respect of offences punishable u/s.109(1)/118(2)/351(2) of BNS.

1.3 On the basis of such charge-sheet, cognizance was taken by Ld.C.J.M, Uttar Dinajpur.

1.4 Ld.C.J.M, Uttar Dinajpur committed the case record to the Court of Ld. Sessions Judge,Uttar Dinajpur. The accused was sent to the Sessions Court while in custody. Ld. Sessions Judge, Uttar Dinajpur was pleased to transfer the case to this Court for trial.

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1.5 The accused who was in custody, was produced in this court. Vide order no.01, dtd. 13.11.2025, a formal charge u/s.109(1)/118(2) of BNS was framed against the charge-sheeted accused.

1.6 After examining listed witnesses and after closure of the evidence, the accused was examined u/s 313 of the Code of Criminal Procedure on 09.03.2026. Argument of both sides were heard.

2. Points for determination

As the accused has been charged for offences punishable u/s.109(1)/118(2) of BNS, so the prosecution is required to prove the following points.

1. That the accused assaulted the victim resulting in grievous injury to the victim.
2. That the accused attempted to commit murder of the victim.

3. Decision with reasons

3.1 It is to be mentioned that in a Criminal trial burden lies upon the prosecution to prove every charge levelled against every accused beyond all reasonable doubts. If any doubt arises which remains unexplained then benefit of doubt goes in favour of the accused and the accused is entitled to get benefit of doubt. Considering this view of Criminal jurisprudence, let us see how far prosecution has been able to prove the charges levelled against the accused person. In order to do so, we need to discuss the evidence in details. Let us start with what the prosecution witnesses said during their examination in chief.

3.1 The examination-in-chief:-

3.1 A. P.W.1/Mina Barman is the defacto complainant of this case. She said that the accused Amulya Barman against

whom she had lodged complaint is her husband. About 6 months ago, the incident had taken place. Her husband Amulya Barman had a quarrel with his mother Pramila Barman. During such quarrel, Pramila Barman fell down on the stairs. She had received severe bleeding injury in the head. The injured had to be taken to Kaliyaganj hospital but she was referred to Raiganj District hospital. She remained admitted at Raiganj hospital for five days. Over this incident, the complaint was lodged. She had only put her LTI over the written complaint.

During cross-examination the witness stated that she had lodged the complaint as the local villagers were insisting upon her to lodge complaint. She admitted that she does not know the contents of the written complaint.

3.1 B. P.W.2/Arun Barman said that he knows the Defacto complainant and also the victim who is the mother-in-law of the defacto complainant. He had heard that the mother-in-law of the defacto complainant namely one Pramila Barman had received injury, as a result of the incident. She had to be administered treatment in the hospital. He did not say anything else.

During cross-examination, the witness stated that on the date of the incident, he was not at home. He does not remember that from whom he had heard about the incident.

3.1 C. P.W.3/Pari Barman stated that he knows the complainant and also the accused and the victim who are all members of the same family. She had heard that a dispute had taken place between Amulya Barman and his mother Pramila

Barman, as a result of which, Pramila had received bleeding injuries as she had fallen during such disputes with her son.

During cross-examination, the witness stated that she does not remember from whom she had heard about the incident.

3.1 D. P.W.4/Pramila Barman is the victim of this case. She said that the accused Amulya Barman is her son and the defacto complainant is her daughter-in-law. The witness stated that there had been an incident of quarrel taking place between her and her son Amulya Barman. While they were quarreling, she fell down and received severe injury on her head. Due to such injury, she had to receive treatment in the hospital.

During cross-examination, the witness stated that she was not interrogated by the police in connection with this case.

No other witnesses was examined from the side of the prosecution.

3.2. The entire evidence that was adduced from the side of the prosecution has been discussed elaborately. Now we need to scrutinized this oral and documentary evidence which was on record in order to find out whether the prosecution has succeeded in proving all or either of the charges framed against the accused facing trial. In order to do this, it would be better to discuss the material evidence, if any, that came up during cross-examination of the prosecution witnesses.

3.3. The entire evidence as appearing in the examination-in-chief and the cross-examination of the witnesses have been

discussed in details. The evidence is required to be scrutinized further, in order to establish whether the evidence is enough to hold the accused guilty in respect of the charges framed against them.

3.4. The appreciation of evidence:-

In this case, apart from the defacto complainant and the victim, two other witnesses have been examined as PW2 and PW3. Both of them are local witnesses. They have both narrated that the victim Pramila and her son Amulya had a quarrel and during such quarrel, Pramila had fallen and received injury. But here, it seems that both the witnesses are hearsay witnesses. They have heard about the incident from some person whose name they could not say.

The victim examined as PW4 and the defacto complainant examined as PW1 have both stated that during the quarrel between the mother and the son, Pramila had fallen and received severe injury on her head. None of them stated that Pramila was assaulted by the accused Amulya.

It appears that the oral testimony of these witnesses do not corroborate the written complaint where it has been alleged that the victim was assaulted by her son Amulya Barman on the head resulting in grievous injury to her.

Therefore, it seems that none of the witnesses examined by the prosecution has supported the prosecution story.

3.6. The charge:-

A) The first charge framed against the accused is in respect of offence of grievous hurt made punishable u/s. 118 (2) of BNS. For the purpose of proving this offence, the prosecution is duty bound to establish that the accused had assaulted the victim with some deadly weapon resulting in grievous injury to the victim. It is worth mentioning that the prosecution has not been able to seize any weapon in this case. Unless any offending weapon is seized, the question of conviction u/s.118(2) BNS does not arise.

Having considered the entire evidence, I find that the prosecution has not been able to prove that the victim was assaulted by the accused. This is a case where the allegation of assault itself has not been proved. Therefore, question of grievous assault/injury does not arise. The prosecution accordingly failed to prove the charge.

B. Another charge framed against the accused Amulya Barman is in respect of offence punishable u/s.109(1) BNS. A person can be convicted of this charge if it is proved that such person attempted to commit murder of the victim.

In the FIR, there is allegation of assault upon the victim by the accused. It has been alleged that the accused assaulted his own mother on the head with a deadly weapon with the intention of causing death of the victim. But no such thing transpires from the evidence which is on record. Considering the nature of evidence, it can be safely concluded that the prosecution has not succeeded in proving the charge framed u/s.109 (1) of BNS against the accused.

There is no other charge against the accused. In view of the discussions done above, it can be said that the sole accused Amulya Barman is entitled to get an order of acquittal.

In the event, the prosecution case fails.

Hence, it is,

ORDERED

That the accused Amulya Barman is found not guilty in respect of the charges framed against him for the offences punishable u/s.109(1)/118(2) of BNS and he is accordingly acquitted in accordance with the provision of Section 235(1) of the Code of Criminal Procedure.

The accused is also released from his bail bond/bonds.

The surety/sureties stands discharged.

Let a copy of this Judgment be sent to the District Magistrate, Uttar Dianjpur and to the Secretary, DLSA, Uttar Dianjpur for the purpose of intimating the victim/complainant about her right of appeal.

Dictated & Corrected by me

Addl. Sessions Judge.
F.T.C.-I, Uttar Dianjpur.

Surajit Mandal
Addl. Sessions Judge,
F.T.C.-I, Uttar Dianjpur.