

Order No. 30 dated 11-06-2025

Both the accused persons on court bail are present by filing hazira.

Learned lawyer for the accused persons and the Learned Panel PP are present.

Record is taken up for passing judgment.

To be specific, prosecution version as revealed from the FIR and as made out in the charge sheet is that one written complaint was filed on 30-09-2020 by one Golam Rabbani son of Late Nuresh Ali, resident of Village Borosahar, PS Karandighi based on the fact that on 20-09-2020 his son namely Mohammad Arjan went to Borosahar more to have tea and quarrel took place in between Mohammad Arjan with accused persons over the issue of one Mobile Phone. The accused persons assaulted him by fists and blows. Thereafter, Mohammad Arjan came home crying and disclosed the incident to his mother and entered into the room and consumed poison. Then and there he was shifted to Karandighi BPHC for treatment from where he was referred to Raiganj District Hospital for treatment and from there he was further referred to Malda Medical College & Hospital. On 21-09-2020 at 17:00 hours the Medical Officer of Malda Medical College & Hospital declared him as death. Hence, this case.

The said complaint was registered as Karandighi PS case No.491/2020 dated 30-09-2020 under section 341/323/306/34 of The Indian Penal Code and endorsed the case for investigation to one of its officer SI Bimal Satiar (1st I.O) for investigation.

During investigation, the IO visited the PO, drawn rough sketch map with an index of the PO, examined the complainant and other available witnesses and recorded their statement under section 161 Cr.P.C, seized one black colour Jio Mobile Phone having IMEI No. 911591157150976 bearing SIM No. 6282751783 by preparing seizure list, collected inquest report, dead body challan, Postmortem report of deceased Mohammad Arjan on 01-12-2020 from English Bazar PS, District Malda. He also examined the seizure witness & several time organized raid to secure arrest of FIR named accused persons but failed to arrest them.

After completion of investigation and having due consultation with his senior officers, the concerned IO submitted charge-sheet against all the accused persons namely 1) Rafik and 2) Naymul Haque under section 341/323/306/34 of The Indian Penal Code.

Learned Additional Chief Judicial Magistrate, Islampur, after taking cognizance and observing all formalities, committed the case record to the Court of Sessions on 12-09-2022 and the same was transferred to this court from the court of the Ld. Additional District & Sessions Judge, 1st Court, Islampur for disposal and this court received the case record on 09-11-2022.

The charge under section 341/323/306/34 of The Indian Penal Code have been framed against both the charge sheeted accused persons on 07-07-2023 to which they pleaded not guilty by collectively stating “Aamra Nirdosh” and claimed to be tried.

Now, the question comes for determination as to whether the accused persons are guilty to the charge, or not.

FINDINGS AND DECISION WITH REASONS

To bring home guilt of the accused persons, the prosecution could not examine as many as 3 witnesses and 2 documents have been marked Exhibited namely written complaint, and signature of PW3 on the seizure list dated 30-09-2020. On behalf of defence, none was examined either to rebut the prosecution evidence or in support of defence plea.

Prosecution witness No. 1, 2, and 3 who are defacto complainant, the wife of defacto complainant and brother of defacto complainant respectively deposed that some altercation took place between Mohammad Arjan with the accused persons. They even failed to corroborate the facts as stated in the written complaint. Save and except the aforesaid statement they did not utter any such inculpatory statements against the accused persons. They also failed to state any reason as to why the victim committed to suicide. No suicidal note was recovered by the IO nor IO could find any incriminating material against the accused persons during the course of investigation. Nowhere

during the course of evidence the prosecution has able to prove the factum of provocation given to the victim by the accused persons. From the evidence of the prosecution witnesses nothing incriminating have been prove against the accused persons. As such the prosecution has failed to prove the case against the accused persons beyond least reasonable doubt. Accordingly, accused persons are found not guilty.

The aforesaid evidence is crystal clear that none of the prosecution witnesses have made the accused persons responsible for the incident, as such, the prosecution has failed to make out any case against the accused persons and they are entitled to get order of acquittal.

This is a case of no evidence against the accused persons and no evidence means, the prosecution has failed to adduce any trustworthy testimony to bring home the charge against the accused persons. In fact, it is a case of slender evidence.

Therefore, in my considered opinion, the accused persons namely 1) Rafik and 2) Naymul Haque are entitled to get an order of acquittal and I find no need to spinning it out any further.

Hence it is,

O R D E R E D

that the accused persons 1) Rafik and 2) Naymul Haque are found not guilty to the charge of offence punishable under section 341/323/306/34 of The Indian Penal Code and they are acquitted u/s. 232 Cr.P.C. They are also released from their respective bail bonds and set at liberty at once.

Seized amount, if any, be disposed of after period of appeal gets over.

Written & Corrected by me,

Sd/-

Additional Sessions Judge
Fast Track 1st Court, Islampur.

Sd/-

(SARAD KUMAR CHHETRI)
Additional Sessions Judge
Fast Track 1st Court, Islampur.
(JO Code : WB00786)