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**FORM – A**

**IN THE COURT OF THE ADDITIONAL SESSIONS  
JUDGE, ISLAMPUR, UTTAR DINAJPUR.**

**PRESENT: SRI PLABAN MUKHERJEE**

**Additional Sessions Judge, Islampur, Uttar Dinajpur**

**Date of delivery of judgment 27<sup>th</sup> day of April, 2026**

**Case No: Sessions Case No. 114 of 2018**

**CIS Registration No. 114 of 2018**

**(Arising out of Goalpokher P.S. Case No. 290/ 2016 dated.  
02.09.2016 (corresponding to G.R. Case No. 2699 of 2016)**

CNR Number : WBUD05-001330-2018

[J.O. Code- WB01427]

Complainant :	State of West Bengal
Represented by :	Ld. P.P. in-Charge- Mukhtar Ahmed
Accused person:	Sohel
Represented by :	Ld. Advocates – Asit Kumar Das

**FORM – B**

<b>Date of Offence</b>	01/09/2016
<b>Date of FIR</b>	02/09/2016
<b>Date of Charge-sheet</b>	31/10/2016
<b>Date of Framing of Charges</b>	06/09/2022
<b>Date of commencement of Evidence</b>	03/11/2022
<b>Date on which Judgment is reserved</b>	21.02.2026
<b>Date of the Judgment</b>	27.04.2026
<b>Date of the Sentencing Order, if any</b>	N.A.

**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 Cr.P.C.
1.	Sohel	03.09.2016	03.09.2016	Sec. 307/341	Acquitted	N.A.	N.A.

**FORM – C****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHERS WITNESS)</b>
P.W. 1	Azid	The De-facto Complainant
P.W. 2	Md. Jahangir Alam	Other Witness
P.W. 3	Kamrul Huda	Other Witness
P.W. 4	Ishaque	Other Witness

**B. Defence Witnesses, if any: NIL**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHERS WITNESS)</b>
D.W.		

**C. Court Witnesses, if any: NIL**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHERS WITNESS)</b>
C.W.		

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS****A. Prosecution: NIL**

<b>Sl. No.</b>	<b>Exhibit Number</b>	<b>Description</b>

**B. Defence: NIL**

<b>Sl. No.</b>	<b>Exhibit Number</b>	<b>Description</b>

**C. Court Exhibits: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>

**D. Material Objects: NIL**

<b>Sr. No.</b>	<b>Material Object Number</b>	<b>Description</b>

## **J U D G M E N T**

1. The sole accused person, namely, Soheli stood the trial to answer the charge under Sections – 307/ 341 of the Indian Penal Code (hereinafter referred to as I.P.C.).

2. The case of the prosecution may be epitomized as follows:-

That the de-facto informant of this case filed one written complaint on 02/09/2016 before the Inspector-in-Charge of Goalpokher Police Station alleging, inter alia, that on 01.09.2016 at about 7.00 p.m. while he was returning home, at that time near his house Soheli restrained the way of the informant assaulted him with a sharp edged weapon. It is further alleged that the informant somehow managed to dodge that assault and ran away from that place. The accused person also followed the informant to kill him, but at the intervention of local villagers the accused person fled away. Accordingly, the de-facto informant lodged this complaint at Goalpokher Police Station with a request to take appropriate legal action against the accused person.

3. On the basis of the said written complaint, Goalpokher Police Station Case No. 290 of 2016 dated 02/09/2016 under sections 341/ 307/506 of the I.P.C. was initiated against the sole accused person, namely, Soheli and the then Inspector-in-charge of Goalpokher Police Station entrusted the case to S.I. Manik Chandra Nandi for investigation.

4. The investigation culminated into filing of charge sheet against the sole accused person under Sections 341/307/506 of I.P.C vide Goalpokher P.S CS sheet No. 338/ 2016 (II) dated 31/10/2016. Accordingly, cognizance of offence was taken by Ld. Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur under section 190(1)(b) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.>') on the basis of the police report on 07.05.2017. Copies of the papers referred to in Section 173 of Cr.P.C. were supplied to the accused person in compliance with the mandate under section - 207 of Cr.P.C. and thereafter as the case being exclusively triable by the Court of Sessions, the case was committed before this Court on 28/09/2018 for trial and disposal.

5. This Court on 06/09/2022 framed charge against the sole accused person under sections – 341/ 307 of the I.P.C. against the sole accused person, namely, Soheli. Charges were read over and explained to the accused person, to which he pleaded not guilty and claimed to be tried. Accordingly, the trial of the accused person has begun as per provision of chapter XVIII of the Cr.P.C.

6. During trial, the prosecution produced and examined as many as four witnesses out of seven cited witnesses in the charge sheet.

7. After closure of the prosecution evidence, the accused person was examined under section 313 of Cr.P.C. read with Section 281 of Cr.P.C on 21/02/2026. The examination of accused person was recorded in prescribed forms. The accused person pleaded his innocence.

8. No witness was produced on behalf of the defence. The defence did not file any written statement in this case. From the trend of cross examination by the defence to the prosecution witnesses and answers given by the accused person during his examination under section 313 of Cr.P.C., it is clear that the defence case is nothing but denial of the prosecution case in entirety.

9. **POINTS FOR DETERMINATION**

- a) Whether the accused person wrongfully restrained the de-facto informant and assaulted him in such a way that he could have died?
- b) Whether the prosecution has been able to prove the charges against the accused persons beyond all shades of reasonable doubt?

**DECISION WITH REASONS**

10. All the points are taken up together for the sake of convenience and to avoid unnecessary repetitions. After going through the case record, evidence of witnesses and hearing argument of both sides, it becomes essential to assess and scan the argument of both sides and evidence on record at first to separate the chaff from the grain.

**11. Argument placed by the Ld. P.P. in-charge:-**

- (a) Ld. P.P. in Charge submitted that the prosecution has been able to prove the charges levelled against the accused person beyond all shades of reasonable doubt;
- (b) It is further submitted that the de-facto informant including other independent witnesses corroborated the version of each other.
- (c) It is also submitted that the de-facto complainant could have died if he did not dodge the assault of the accused person in time.

**12. Argument advanced by the Ld. Defence Counsel:-**

- a) Ld. Defence Counsel submitted that none of the witnesses has been able to bring any specific allegation against the present accused persons.
- b) It is further submitted that the substantive evidence of the prosecution witnesses is full of exaggeration and embellishment.
- c) It is also submitted that there are lots of contradiction in between the evidence of prosecution witnesses which cast a shadow of doubt upon the claim of the prosecution.
- d) So considering these all aspects Ld. Defence Counsel submitted that the prosecution has been miserably failed to bring home the charges levelled against the accused person beyond all shadow of reasonable doubts.

**13.** Charges were framed against the accused person under section 341/ 307 of the I.P.C. against the sole accused person. Now we need to see that how far the prosecution has been able to establish the charges levelled against the accused person in course of trial.

**14.** It has been specifically alleged in the written complaint that on 01.09.2016 at about 7.00 p.m. while the de-facto informant was returning home, at that time near his house Sohail restrained his way and assaulted him with a sharp edged weapon. But the informant somehow managed to dodge the said assault and ran away from that place. The accused person also followed the informant to kill him,

but at the intervention of local villagers the accused person fled away. The de-facto informant, namely, Azid has been examined as P.W. 1 who deposed that on the day of incident one altercation took place with the accused person which led to scuffling and for that reason he lodged a complaint at police station. The de-facto informant in course of his examination in chief has confirmed about the dispute with the accused person and also disclosed about one scuffling, but he failed to corroborate the fact as depicted in his written complaint. It is trite law that a written complaint is not a substantive piece of evidence and it can be used only for the purpose of corroboration and contradiction of its maker. It is also pertinent mention here that the learned Addl. P.P. did not take any initiative to prove the written complaint by the scribe of the same as the informant put his LTI on the written complaint. P.W. 2 being one of the independent witness has corroborated the version of the de-facto informant, but his substantive evidence reveals that he is an hearsay witness. P.W. 2 did not witness any incident personally. Learned Addl. P.P. could not bring the substantive evidence of P.W. 2 within the recognized exceptional circumstances under which a hearsay evidence becomes admissible. In course of his brief cross-examination P.W. 2 also failed to recollect the name of the person from whom he came to know about the incident. Accordingly, it would not be safe to draw any adverse inference against the accused person relying on the testimony of P.W. 2.

**15.** Learned Addl. P.P. strongly relied on the testimonies of P.W. 3 and P.W. 4 who specifically deposed that at about ten years ago one day he heard that there was an altercation and free fight in between the de-facto informant and Soheli and thereafter Azid lodged a complaint at police station. Ishaque being P.W. 4 also corroborated the version of P.W. 3 and similarly deposed that at about ten years ago one day he heard that there was an altercation leading to free fight in between the de-facto informant and accused person. Though both these witnesses have without any ambiguity disclosed about the free fight in between the accused person and the de-facto informant, it does not inspire the confidence of this Court, since it does not get any corroboration from the de-facto informant. It is also pertinent to mention here that there was no seizure of any offending weapon as per allegations in the written complaint. It is also apt to note here that it has been clearly depicted in the written complaint that the accused person tried to kill the

de-facto informant with a sharp edged weapon, but none of the witness including the informant disclosed about that fact in course of their substantive evidence before this Court.

**16.** Giving due consideration to the whole materials on record and cumulative effect of the above discussion, I am of the considered view that the prosecution has not been able to prove the charges levelled against the accused person beyond all shades of reasonable doubt. There are sufficient contradictions as well as major improvements and/or embellishment in the prosecution case which restricts this Court to draw an adverse inference against the accused person. Resultantly the prosecution has failed to bring home the charges against the accused person.

**17.** In short, the case of the prosecution fails.

**18.** Hence, it is -

### **ORDERED**

That the sole accused person, namely, Soheli is found not guilty of the charge under Section- 341/ 307 of the Indian Penal Code, 1860 and accordingly the sole accused person is hereby acquitted from his respective charges in terms of Section- 235 (1) of the Code of Criminal Procedure.

The sole accused person, namely, Soheli be set at liberty at once.

The accused person will remain on the existing bail bonds for six months from this day in compliance of the provisions of Section- 437A of the Code of Criminal Procedure.

Seized articles, if any, if required, be destroyed after expiry of the statutory period of appeal.

Note in the relevant register.

Upload in the C.I.S.

Let a copy of this judgment be sent to the District Magistrate, Uttar Dinajpur and the Ld. Secretary of District Legal Services Authority, Raiganj, Uttar Dinajpur for their information and also for information to the de-facto informant.

Dictated & Corrected by me.

**(PLABAN MUKHERJEE)**  
Additional Sessions Judge,  
Islampur, Uttar Dinajpur

**(PLABAN MUKHERJEE)**  
Additional Sessions Judge  
Islampur, Uttar Dinajpur dt 27.04.2026