

C.N.R No. WBUD060009632026
GR- 411 of 2025

FORM-A

District: UTTAR DINAJPUR IN THE COURT OF THE JUDICIAL MAGISTRATE (1st CLASS) ISLAMPUR <u>Present</u> : Jamshed Shaikh Judicial Magistrate, Islampur, Uttar Dinajpur J.O Code- W.B 01389 (Date of delivery of judgment) 04 th day of July, 2026 Case No. GR No. 411 of 2025 T.R.No. 298 of 2026 Registration No. GR 605 of 2026 C.N.R No. WBUD060009632026 (Details of FIR/Criminal and Police Station) Goalpokher P.S. Case No. 56 of 2025 dated 11.02.2025 u/s. 329(2)/126(2)/115(2)/351(2) of BNS	
COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. APP Janardahan Sinha.
ACCUSED	NAMES WITH ALL PARTICULARS A1) Fejle @ Gotanai Both are residents of vill- Barbilla, P.S- Goalpokher, Dist.- Uttar Dinajpur
REPRESENTED BY	Ld. Advocate Tulai Das

FORM-B

Date of Offence	10.02.2025
Date of FIR	11.02.2025
Date of Charge-sheet	17.04.2025
Date of Framing of Charges	25.06.2026
Date of commencement of Evidence	25.06.2026
Date on which Judgment is reserved	N.A.
Date of the Judgment	07.04.2026
Date of the Sentencing Order, if any	N.A.

Accused details :

Ra nk of the	Name of Accused	Date of arrest /surre	Date of release on bail	Offences charge with	Whether acquitted or convicted	Sent ence impo sed	Period of Detention undergon e during
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acc d.		nder					Trial for purpose of Section 428 of Cr.P.C
A1	Fejle Gotanai	@surrend ered on 13.02.2 025	13.02.202 5	Sections 329(2)/126(2)/115(2)/3 51(2) of BNS	Acquitted	N.A.	N.A

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Rakia Khatun	De facto Complainant
PW2	Sah Alam	Independent witness

B. Defence witnesses, if any : Not examined.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW	N.A.	N.A.

C. Court witnesses, if any : Not examined.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW	N.A	N.A

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution: Not tendered.

Sr. No.	Exhibit Number	Description
1	Exhibit- P-1/PW-1	Signature of the de facto complainant on the written complaint.

B. Defence : Not tendered.

Sr. No.	Exhibit Number	Description
NA	N.A.	N.A.

C. Court Exhibits : Nil.

Sr. No	Exhibit Number	Description
NA	N.A	N.A.

D. Material Objects : Nil.

Sr. No.	Material Object Number	Description
NA	N.A	N.A.

J U D G M E N T

Factual Matrix

1. This is a case under section **329(2)/126(2)/115(2)/351(2) of BNS.**
2. The prosecution case, The complainant states in her humble submission that, centering around a dispute between children, on the previous night of 10-02-2025 at around 09:00 PM, the accused entered her courtyard in an agitated state. Taking advantage of her husband's absence, the accused began verbally abusing her with obscene language. When she protested against this behavior, the accused, wielding a bamboo stick, dragged her around and severely assaulted her with punches, slaps, kicks, and shoves. Fearing for her life, she started screaming, which brought the villagers to her rescue. Upon their arrival, the accused fled the scene while threatening to kill her the next time. She further states that she sustained serious injuries as a result of the severe

beating.

3. Thereafter, the de facto complainant lodged a written complaint before Goalpokher Police Station, on the basis of which Goalpokher P.S. Case No. 56 of 2025 dated 11.02.2025 was registered under Sections **329(2)/126(2)/115(2)/351(2) of BNS** against both the accused persons. Upon registration of the case, the same was taken up for investigation by the Investigating Officer. On completion of the investigation, the Investigating Officer submitted charge sheet being No. 156 of 2025 dated 17.04.2025 under Sections **329(2)/126(2)/115(2)/351(2) of BNS** against both the accused persons. In the meantime, the accused persons were enlarged on bail by the court.

Cognizance and Transfer

4. Upon submission of the charge sheet, cognizance of the offences was taken against both the accused persons. Subsequently, copies of the relevant documents were furnished to the accused in compliance with Section 230 of the BNSS. Thereafter, the case was transferred to this Court for adjudication and disposal in accordance with law.

Substance of the Accusations

5. At the commencement of the trial on 25.06.2026 the substance of the accusations pertaining to the offences charged under Sections **329(2)/126(2)/115(2)/351(2) of BNS** was read over and explained to the accused persons in a language comprehensible to them. Each accused, in response, pleaded not guilty, individually stating, “Ami Nirdosh” (I am innocent), and opted to contest the charges by claiming a trial in open court.

Evidence on Record and Examination of accused persons U/S 274 of BNSS.

6. The prosecution presented its case by examining two witnesses, including the de facto complainant, in an effort to establish the charges against both the accused persons. Upon the conclusion of the prosecution's evidences, the accused persons were examined under Section 374 of the BNSS allowing them to explain any circumstances

appearing in the evidence against them. However, the defense did not present any witnesses in their support.

7. Upon reviewing the materials on record and considering the submissions of the Learned Assistant Public Prosecutor (A.P.P.) and the Defense Advocate, the following points emerge as issues to be adjudicated in this case:-

Points for consideration

8. 1. *Whether the prosecution has been able to prove the case beyond all shadow of reasonable doubt?*

9. 2. *Whether that both the accused persons is liable to be convicted of the offenses, alleged against them ?*

Decision with reasons

10. All the points are taken up together for the sake of convenience and brevity of discussion.

11. *Hearing both the sides and after careful perusal of the materials of the record it appears that-*

12. All the points are taken up together for the sake of convenience and brevity of discussion.

13. *Hearing both the sides and after careful perusal of the materials of the record it appears that-*

Prosecution Evidence:-

14. PW-1 Rakia Khatun who stated that that, centering around a dispute between children, on the previous night of 10-02-2025 at around 09:00 PM, the accused entered her courtyard in an agitated state. Taking advantage of her husband's absence, the accused began verbally abusing her with obscene language. When she protested against this behavior, the accused, wielding a bamboo stick, dragged her around and severely assaulted her with punches, slaps, kicks, and shoves. Fearing for her life, she started screaming, which brought the villagers to her rescue. Upon their arrival, the accused fled the scene while threatening to kill her the

next time. She further states that she sustained serious injuries as a result of the severe beating.

15. During the examination-in-chief of PW 2 which commenced on June 25, 2026, the witness stated that his wife had lodged the case against Fazle. He further explained that she had lodged the case out of some misunderstanding. Later, during the cross-examination, the witness stated that the police had never interrogated him, after which the proceedings were closed.

Discussion and findings by this Court:

16. The learned Public Prosecutor strongly argued that the accused person has committed grave offenses punishable under Sections 115(2) (voluntarily causing hurt), 126(2) (wrongful restraint), and 351(2) (criminal intimidation) of the Bharatiya Nyaya Sanhita (BNS). It was submitted by the prosecution that the First Information Report (FIR) was lodged based on genuine, contemporaneous facts indicating a heated altercation, physical obstruction, and threats made by the accused. The Prosecutor contended that although the star witness, PW1 (the complainant), and the independent witness, PW2, have failed to actively support the prosecution's case during their examination in open court, their hostile turn should not be viewed as an absolute exoneration of the accused. The prosecution argued that it is common for victims in such localized or personal disputes to turn hostile or attribute the incident to a "misunderstanding" due to subsequent out-of-court settlements, societal pressure, or fear. Therefore, the prosecution prayed that the initial statements recorded during the investigation should be relied upon to convict the accused rather than allowing a technical acquittal merely because the witnesses retracted their initial stances.

17. In response, the learned Counsel for the Defence vehemently argued that the entire prosecution case has completely collapsed to its foundation. The Defence pointed out that PW1, the very individual who initiated the criminal machinery, explicitly testified that the case arose merely out of a minor, heated altercation and was ultimately lodged due to a pure "misunderstanding," categorically stating that apart from that,

absolutely nothing had happened. Furthermore, the Defence highlighted that PW2, who was introduced to corroborate the charges of wrongful restraint and criminal intimidation, completely failed to support the prosecution's narrative. It was argued that in a criminal trial, the burden of proof rests entirely on the prosecution to establish guilt beyond any reasonable doubt, and when the ocular evidence consists of witnesses who explicitly deny the occurrence of the alleged offenses, there remains no residuum of incriminating material. The Defence concluded that continuing the prosecution without a shred of substantive evidence would be a gross abuse of judicial time and vehemently prayed for the absolute acquittal of the accused.

Decision with reasons

18. Having heard the rival submissions of both the learned Public Prosecutor and the Defence Counsel, and upon a careful perusal of the record, this Court notes that the accused was put on trial for offenses under Sections 115(2), 126(2), and 351(2) of the BNS. The cornerstone of the prosecution's case rested on the testimonies of PW1 and PW2. However, during the course of the trial, PW1 explicitly stated under oath that the case was registered out of a misunderstanding following a heated altercation and affirmed that no such criminal acts as alleged took place. This statement is further weakened by the testimony of PW2, who completely distanced themselves from the prosecution's case and offered no supportive evidence. It is a settled principle of criminal jurisprudence that conviction cannot be predicated on mere suspicion, police statements, or an uncorroborated FIR when the substantive evidence before the Court completely negates the commission of the offense. Since both key witnesses have turned hostile and failed to identify any unlawful restraint, criminal intimidation, or intentional hurt caused by the accused, the prosecution has failed miserably to discharge its statutory burden of proof. Consequently, this Court finds that the essential ingredients of Sections 115(2), 126(2), and 351(2) of the BNS have not been established. Accordingly, for want of sufficient evidence, the accused are hereby acquitted of all charges.

Hence it is

ORDERED

that the accused persons namely, **A1) Fejle @ Gotanai** found not guilty U/S. **329(2)/126(2)/115(2)/351(2) of BNS** and they are hereby acquitted u/s. 278(1) of the BNSS.

They be set at liberty and be discharged from their respective bail bonds too.

The Seized articles will be disposed of as per law, after appeal period is over.

In compliance of the Judgment of the Hon'ble Court being C.R.A. 266 of 2020 with C.R.A.N. 01 of 2020 in the case of **Sabitri Bhunya V/S State of West Bengal**. Let a copy of this Judgment, mentioning the name of victim, be forwarded to the **District Magistrate, Uttar Dinajpur** and to the **Ld. Secretary, DLSA, Uttar Dinajpur** for due intimation to the victim as defined U/S 2(y) of the BNSS.

Be it mentioned that the victim has a right to prefer an appeal against this Judgment under proviso to section 413 of BNSS. and if necessary, to avail free legal assistance through the legal service authority concerned to prefer and prosecute such appeal.

Thus this case is disposed of on contest.

BC II to do the needful.

D/C by me.

JM, Court, Islampur

**(Jamshed Shaikh)
Judicial Magistrate,
Islampur, Uttar Dinajpur
J.O Code- W.B 01389**