

C.N.R No. WBUD060013952024
GR- 1000 of 2023

FORM-A

District: UTTAR DINAJPUR	
IN THE COURT OF THE JUDICIAL MAGISTRATE (1 st CLASS) ISLAMPUR	
Present : Jamshed Shaikh Judicial Magistrate, Islampur, Uttar Dinajpur J.O Code- W.B 01389	
(Date of delivery of judgment) 08 th day of July, 2026	
Case No. GR No. 1000 of 2023 T.R.No. 751 of 2024 Registration No. GR 1395 of 2024 C.N.R No. WBUD060013952024	
(Details of FIR/Criminal and Police Station) Goalpokher P.S. Case No. 185 of 2023 dated 15.04.2023 u/s. 341/323/34 of I.P.C	
COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. APP Janardahan Sinha.
ACCUSED	NAMES WITH ALL PARTICULARS A1) Anwar A2) Guljara A3) Noori All are residents of vill-Moraltoli, P.S-Goalpokher, Dist.- Uttar Dinajpur
REPRESENTED BY	Ld. Advocate Firdous Jaman

FORM-B

Date of Offence	15.04.2023
Date of FIR	15.04.2023
Date of Charge-sheet	12.05.2023
Date of Framing of Charges	02.08.2024
Date of commencement of Evidence	21.01.2025
Date on which Judgment is reserved	N.A.
Date of the Judgment	08.07.2026
Date of the Sentencing Order, if any	N.A.

Accused details :

Ran k of the acc d.	Name of Accused	Date of arrest/s urrender	Date of release on bail	Offences charge with	Whether acquitted or convicted	Sente nce impos ed	Period of Detention undergone during Trial for purpose of
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							Section 428 of Cr.P.C
A1	Anwar	02.05.2 023	02.05.2 023	Under Section 341/323/34 I.P.C	Acquitted	N.A.	N.A
A2	Guljara	02.05.2 023	02.05.2 023	Under Section 341/323/34 I.P.C	Acquitted	N.A	N.A
A3	Noori	02.05.2 023	02.05.2 023	Under Section 341/323/34 I.P.C	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	Sabnam	Defacto complainant
PW2	Nargis	Independent witness
PW3	Kurban	Independent witness
PW4	Md. Ishahar Alam	Independent witness
PW5	Md. Mousin Rezas	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

C.N.R No. WBUD060013952024
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A. Prosecution: Not tendered.

Sl. No.	Exhibit Number	Description

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 341/323/34 of I.P.C, IPC. The case of the prosecution is that that on 15.04.2023, at approximately 3:00 PM, the accused individuals erected a bamboo fence near their brick kiln. She reported that when they protested against this action, the accused verbally abused them with foul language, dragged her by her hair, and physically assaulted her with punches, slaps, and kicks. They also struck her right hand with a bamboo stick, causing severe injury. When her sister-in-law Nargis (aged 21) and her brother-in-law Kurban (aged 37) rushed to rescue her, the accused brutally assaulted them as well, injuring her sister-in-law's left hand and her brother-in-law's shoulder and right hand. Furthermore, she alleged that the accused looted ₹2,000 in cash from her residence and kicked her in the abdomen in an attempt to terminate her six-month pregnancy. She concluded that as they cried out for help, nearby residents arrived at the scene and rescued them.
2. Then the de-facto complainant filed a complaint before Goalpokher P.S. and the concerned PS started a case being Goalpokher P.S Case no. 185 of 2023 dated 15.04.2023 under sections 341/323/34 of IPC against the accused persons. Thereafter, the case was investigated by the I.O. and on completion of the investigation, the I.O submitted charge sheet being no. 174 of 2023 dated 12.05.2023 under sections 341/323/34 of the IPC against the accused

persons. In the meantime the accused persons were released in court bail.

Cognizance and Transfer

3. Upon submission of the charge sheet, cognizance of the offences was taken against the accused persons. Subsequently, copies of the relevant documents were furnished to the accused in compliance with Section 207 of the Code of Criminal Procedure, 1973. Thereafter, the case was transferred to this Court for adjudication and disposal in accordance with law.

The Substance of Accusation

4. On the starting of trial on 02.08.2024 the accused persons were examined u/s 251 of Cr.P.C. The substance of accusation of the offences they were charged with u/s 341/323/34 of IPC was read over and explained to the accused persons to which they pleaded not guilty by individually saying individually “Ami Nirdosh” and had claimed to be tried in the open court.

Evidence on Record and Examination of accused persons U/S 313 Cr.P.C.

5. The prosecution presented its case by examining five witness, including the de facto complainant, in an effort to establish the charges against the accused persons. Upon the conclusion of the prosecution's evidences, the accused persons were examined under Section 313 of the Criminal Procedure Code (Cr.P.C.), allowing them to explain any circumstances appearing in the evidence against them. However, the defense did not present any witnesses in their support.

6. 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

1. Whether the prosecution has been able to prove the case beyond all shadow of reasonable doubt?
2. Whether that accused person is liable to be convicted of the offenses, alleged against him ?

Decision with reasons

Point No.1 to 2

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

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

Prosecution Evidence:-

7. In his deposition, PW-1 during her examination in chief under oath, the witness stated that she had filed that case before Goalpokher Police Station against Anwarul, Guljara, and three to four others. She further testified that there had been some exchange of a hot altercation between her and the accused Anwarul, which had led to some scuffling between them, and that nothing else had happened. Additionally, she clarified that Nargis was her jaa (sister-in-law), who was the wife of Kurban, and added that Kurban was the son of Budha. Later, during her cross-examination by the defense, she stated that the police had never interrogated her regarding that case.

8. PW-2 during his/her examination-in-chief on June 30, 2026, the prosecution witness (PW 2) stated that he/she knew the defacto complainant (DFC) Sabnam, wife of Israil, who was his/her co-villager, as well as the accused persons of that case. The witness further testified that except for a verbal conflict, nothing else had happened. Later, during the cross-examination, the witness stated that the police had never interrogated him/her.

9. PW-3 during the examination-in-chief on June 30, 2026, the prosecution witness (PW 3) stated that he/she knew the defacto complainant (DFC) Sabnam, wife of Israil, who was his/her co-villager, as well as the accused persons, namely Anwar and others of that case. The witness further testified that except for a verbal conflict, nothing had happened. Later, during the cross-examination, the witness stated that the police had never interrogated him/her.

10. PW-4 during her examination-in-chief on July 1, 2026, the witness (PW 4) stated that she knew the defacto complainant (DFC) Sabnam, who was her sister-in-law. She further testified that Sabnam had lodged that case against Anwar and mentioned that there had been some heated dispute between them. Additionally, she clarified that she herself had not received any injury. Later, during her cross-examination, she stated that the police had never interrogated her.

PW-5 during her examination-in-chief on July 1, 2026, the prosecution witness (PW 5) stated that she knew the defacto complainant (DFC) Sabnam, who was her sister-in-law. She testified that Sabnam had lodged that case against Anwar and mentioned that there had been some heated dispute between them. Furthermore, she clarified that she herself had not received any injury. Later, during her cross-examination, she stated that the police had never interrogated her.

Argument of the Ld. APP:

In the present case under Sections 341/323/34 of IPC. The case of the prosecution is that on 15.04.2023, at approximately 3:00 PM, the accused individuals erected a bamboo fence near their brick kiln. She reported that when they protested against this action, the accused verbally abused them with foul language, dragged her by her hair, and physically assaulted her with punches, slaps, and kicks. They also struck her right hand with a bamboo stick, causing severe injury. When her sister-in-law Nargis (aged 21) and her brother-in-law Kurban (aged 37) rushed to rescue her, the accused brutally assaulted them as well, injuring her sister-in-law's left hand and her brother-in-law's shoulder and right hand. Furthermore, she alleged that the accused looted ₹2,000 in cash from her residence and kicked her in the abdomen in an attempt to terminate her six-month pregnancy. She concluded that as they cried out for help, nearby residents arrived at the scene and rescued them. The prosecution has examined five witnesses the de facto complainant.

Argument on Behalf of the Defense:

During argument the the Ld. Advocate on behalf of the accused persons submitted that the accused persons are innocent and falsely implicated in this case. All the allegations are falsely and baseless. Accordingly, Ld. Advocate on behalf of the accused persons prayed for acquittal of the accused persons.

Discussions and Findings by this Court :

However, upon careful scrutiny of the evidence on record, significant inconsistencies and contradictions arise that cast serious doubt on the veracity of the prosecution's case. Most notably, neither defacto complainant nor any victim of this case had examined by the prosecution to tender in this case. Only two accused have examined who are mere witness but could help the prosecution any further.

The prosecution has failed to produce any independent witnesses to support the claim of that the accused persons threatened the complainant's father and his family members and also assaulted them with fist and blows, stone chips as well as sharp cutting weapon as a result they sustained bleeding injuries. There is also no documentary or material evidence brought on record to establish that the accused persons restrained the defacto or any victim of this case.

Given the contradictions in the testimony of the key witness, the absence

of corroborative evidence, and the failure of the prosecution to establish the charges beyond reasonable doubt, it is evident that the prosecution's case is fraught with inconsistencies. The benefit of such doubt must necessarily go to the accused.

Accordingly, in light of the failure of the prosecution to prove the case under Sections **341/323/34 of IPC** beyond reasonable doubt, the accused persons are entitled to be acquitted.

Hence, it is

ORDERED

that the sole accused person namely A1) **Anwar** A2) **Guljara** A3) **Noori** are found not guilty U/S. 341/323/34 of I.P.C and they are hereby acquitted u/s. 255(1) of the Code of Criminal Procedure and set at liberty at once.

They be set at liberty at once and the surety be discharged from his bail bond.

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(wa) of the Cr.P.C.

Be it mentioned that the victim has a right to prefer an appeal against this Judgment under proviso to section 372 of the Cr.P.C. 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.

JM 1st , Court, Islampur

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