

Form A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
RAGHUNATHPUR, DISTRICT - PURULIA

Present : Sarmistha Ganguly
Additional Chief Judicial Magistrate,
Raghunathpur, Purulia

Date of the Judgment: 07th day of August, 2025

Case No. GR 126/2023 (Registration No. 601/2023)

(CNR No.- WBPU060008722023)

(Arising from Raghunathpur P.S Case No. 30/23 dated 26.02.2023 u/s. 341/323/325/506/34 of the Indian Penal Code)

Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	1. Raghunath Tantubai 2. Tapan Sahis 3. Kartick Bauri
Represented by	Name of the Advocate : Sri Bipul Hazra

FORM B

Date of Offence	26.02.2023
Date of F.I.R.	26.02.2023
Date of Police report	31.03.2023
Date of framing Charge against the accused	23.05.2025
Date of commencement of Evidence	05.08.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	07.08.2025
Date on which Judgment is reserved	
Date of Judgment	07.08.2025
Date of the Sentencing Order, if any	

Accused details:							
Rank of the Accused	Name of Accused	Date of arrest/surrender	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.	Raghunath Tantubai	21.03.2023	21.03.2023	u/s.341/323/506/34 of IPC	Acquitted		
2.	Tapan Sahis	21.03.2023	21.03.2023	u/s.341/323/506/34 of IPC	Acquitted		
3.	Kartick Bauri	21.03.2023	21.03.2023	u/s.341/323/506/34 of IPC	Acquitted		

Contd.....P/2

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)
P.W. 1	Bamapada Gorain	Defacto complainant cum victim
P.W. 2	Rajesh Mahato	Victim

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1		
DW 2		

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1		
CW 2		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit 1 by P.W-1	Written complaint lodged by the defacto complainant

B. Defence:

Sr. No.	Exhibit Number	Description
1.	Exhibit D-1 / D.W.1	
2	Exhibit D -2 / D.W.2	

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	Exhibit C-1 / C.W.1	
2	Exhibit C-2 /C.W.2	

D. Material Objects:

Sr. No.	Material Object Number	Description
1	Mat Exhibit -1	
2	MO 2	

J U D G M E N T

Facts of the Prosecution Case :

The prosecution case has its genesis in a written complaint lodged by the defacto complainant Bamapada Gorain before the I/C, Kashipur P.S on 26.02.2023 to the effect that on the same date at about 3:30 p.m in the afternoon, when the complainant along with his four employees including one Rajesh Mahato were cleaning the garage belonging to the complainant, the accused persons along with other individuals came to the said spot in a drunken condition and started to abused the complainant and his employees in abusive languages and when the complainant raised protest against the said act of the accused persons, he was attacked and assaulted by them with fists, blows and kicks and further threatened him with dire consequences and also damaged his motorcycle. The complainant further alleged that one of his employee namely, Rajesh Mahato was also hurt during the incident and subsequently, the complainant went to Banda BPHC for his medical treatment. Hence, the present written complaint has been filed by the complainant in respect of the aforesaid alleged acts committed by the accused persons along with a prayer for punishing them as per the existing provisions of law.

On receiving the complaint over the incident, the Inspector in Charge of Raghunathpur police station started **Raghunathpur P.S Case No. 30/23 dated 26.02.2023** under sections **341/323/325/506/34** of the Indian Penal Code against the accused persons above named which culminated into the submission of charge-sheet against the accused persons for the offence punishable under sections **341/323/325/506/34** of the Indian Penal Code .

Thereafter all the three accused persons have been examined u/s. 251 of Cr.P.C. The substance of accusation u/s. **341/323/506/34** of the Indian Penal Code have been read over and explained to the accused persons in their local language, to which the accused persons have pleaded not guilty and claimed to be tried and hence, this trial.

After closing the evidence of the prosecution, all the three accused persons have been examined under section 313 of the Criminal Procedure Code, wherein the accused persons have individually declined to adduce any defence witness. The defence plea, as appearing from the trends of cross examination of the prosecution witnesses and examination of the accused persons under section 313 of the Code of Criminal Procedure and the submission of the Ld. Defence Counsel, is bearing the innocence of the accused persons above named.

Points for Consideration

(1) Did the accused persons commit the offence punishable under sections **341/323/506/34** of the Indian Penal Code ?

Decision with Reason

The prosecution has produced just two witnesses to establish the charges leveled against the accused persons. The defacto complainant in the present case, namely **Bamapada Gorain (P.W.-1)** has stated in his deposition that he is unable to recollect at present what had happened on the alleged date and that the written complaint lodged by him had been scribed in his own hand writing and the same also bears his signature (signature of the defacto complainant on the written complaint has been marked as Exhibit 1)

In his cross examination the complainant admitted that he is at present having no further allegations against the accused persons.

PW-2 Rajesh Mahato being the other victim in the present case also failed to recollect what had happened on the alleged date.

It further appears from the record that further examination of the prosecution witnesses was closed on the verbal prayer of the Ld. APP keeping in view the oral deposition of the defacto complainant.

On careful perusal of the oral and documentary evidence as is available on record including the oral testimony of the defacto complainant and also PW2 it reveals to this court that neither the defacto complainant nor PW2 could recollect what had actually occurred on the alleged date of the incident. Further the defacto complainant also admitted that he is having no further allegations against the accused persons.

Considering the four corners of foregoing discussions, this court has no hesitation to hold that the prosecution has hopelessly failed to establish the charges and accusations leveled against all the three accused persons for the offences punishable under sections **341/323/506/34** of the Indian Penal Code and accordingly, all the three accused persons above named are liable to be acquitted from the present case as well as from all the charges and accusations leveled against them under section 255 (1) of the Criminal Procedure Code.

Hence, it is,

ORDERED

that the three accused persons namely Raghunath Tantubai, Tapan Sahis and Kartick Bauri are found not guilty of the offence punishable under sections 341/323/506/34 of the Indian Penal Code and accordingly, all the three accused persons above named are hereby acquitted from the present police case as well as from all the charges and accusations leveled against them, in terms of the provision enumerated under section 255 (1) of the Criminal Procedure Code.

All the three accused persons above named are hereby set at liberty and stand discharged from their respective bail bonds.

D/C.

Sd./-

A.C.J.M., Raghunathpur

Sd./-

(Sarmistha Ganguly)

Additional Chief Judicial Magistrate,
Raghunathpur, District - Purulia