

FORM A

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
DISTRICT – JHARGRAM**

Present : Sri Raja Mukherjee
Chief Judicial Magistrate
Jhargram
J.O. Code : **WB00888**

[Dated : 20.05.2026]
G.R. Case No. 242/2020
CIS No. 1242/2020
CNR:WBWM07-0006342020

(Jhrgram P.S. Case No. 74/2020, dated 15.03.2020)

Complainant	State of West Bengal
Represented by	Sri Anil Mandal (A.P.P.)
Accused Persons	1. Kanti Kuila 2. Santupada Kuila 3. Bholanath Kuila 4. Sourav Kuila
Represented by	Sri Tapan Kumar Choudhury (Adv.)

FORM B

Date of Offence	06.02.2020
Date of F.I.R.	15.03.2020
Date of Charge Sheet	31.05.2020
Date of Framing Charge	19.07.2023
Date of Commencement of Evidence	06.01.2025
Date on which Judgement is reserved	N.A
Date of Judgement	20.05.2026
Date of the sentencing order, if any	N.A.

G.R. Case No. 242/2020 (CIS No. 1242/2020)
Delivered by Sri Raja Mukherjee
State of West Bengal V.S. Kanti Kuila, Santupada Kuila,
Bholanath Kuila and Sourav Kuila
Under Section 447/323/504/427/34 of I.P.C.

Accused Details :

Rank and name of the accused person	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of Section 428 of Cr. P.C.
1. Kanti Kuila	25.06.2020 (Surrendered)	25.06.2020	U/S- 447/323/ 504/427/ 34	Acquitted	N.A.	N.A.
2. Santupada Kuila	25.06.2020 (Surrendered)	25.06.2020				
3. Bholanath Kuila	25.06.2020 (Surrendered)	25.06.2020				
4. Sourav Kuila	02.07.2020 (Surrendered)	02.07.2020				

FORM C

A Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
PW 1	Uttam Patra	Defacto Complainant
PW 2	Sanjit Patra	Witness
PW-3	Purnendu Dey	Witness
PW-4	Mohan Dolai	Witness
PW-5	Saheb Das	Witness

B. Defence witnesses, if any : NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A Prosecution

Serial Number	Exhibit Number	Description
1.	Exhibit-P-1	Written Complaint
2.	Exhibit- P-1/1	Signature of the witness (PW-1)

B. Defence : Nil

C. Court Exhibits : Nil

D. Material Objects : Nil

Case of the prosecution came into trial under Section 447/323/504/427/34 of Indian Penal Code, 1860.

J U D G E M E N T

The prosecution case in brief is that on 15.03.2020 at about 17:15 hours, received a Court complaint by the PS that on 06.02.2020 at about 12:00 hours one Kanti Kuilya along with three others jointly trespassed into the stall premises of the complainant Uttam Patra and used filthy language to his wife with iron rod, stick and other sharp weapons. On protest against this the accused persons assaulted the complainant with stick and damaged some valuable articles which values approximately one lakh fifty thousand and stole cash of Rs. 4832/-.

Over this complaint Jhargram PS lodged a PS case u/s- 447/325/504/427/379/34 of IPC has been started against the accused persons.

During investigation the IO examine the complainant, visited PO, and recorded statement of other witnesses.

The IO also issued notice u/s 41 (A) of Cr.P.C to FIR named accused persons and and notice u/s- 91 of Cr.P.C to complainant.

After the completion of investigation, the Investigating Officer submitted the charge sheet against the accused persons u/s- 447/323/504/427/34 of I.P.C. A plea u/s 251 of Cr.P.C. was framed on 19.07.2023 against the accused persons. The contents of the plea were read

Over and explained to the accused persons in Bengali to which they pleaded not guilty and claimed to be tried.

The accused persons are examined u/s- 313 of Cr.P.C. and they stated that no defence witness would be adduced on his behalf.

The only point for determination is whether or not prosecution has been able to prove its case against the accused persons beyond reasonable doubt.

DECISION WITH REASONS

Accused persons stood trial for allegedly committing the offences u/s 447/323/504/427/34 of I.P.C. Prosecution examined all together five witnesses including the defacto complainant.

P.W.1 , Uttam Patra, is the complainant stated in his evidence that the incident was happened on 06.02.2020 at about 12 P.M. in front of pan and stationary shop belongs to him at Ballar Chawk. The accused persons suddenly came to his shop and assaulted him and destroyed his stationary articles of his shop and took away cash of Rs. 4800/-. The complainant identified the written complaint and his signature which has been marked as Exbt. P- 1 and Exbt. P- 1 /1 collectively.

At the time of cross-examination the complainant admitted the fact that he did not filed any document to the IO regarding his property and any document of his treatment regarding alleged assault by the accused persons.

The elder brother of the complainant was examined as PW-2 namely, Sanjit Patra. He stated the fact as far as practicable and corroborate with the fact stated by the complainant. At the time of cross-examination he admitted that he also assaulted by the accused persons but not treated by any doctor. It also appears from his statement that the alleged incident happened due to a dispute regarding land as the accused persons told him that they purchased the land from his elder brother.

The PW-2 is considered as interested witness in the eye of law.

The prosecution brought another witness namely, Purnendu Dey as PW-3, who simply stated that he is unable to say what has happened between the complaint and the accused persons.

Another witness namely, Mohan Dolai was examined as PW-4, who has no knowledge about the alleged incident.

Prosecution also brought another witness namely, Saheb Das as PW-5 and from his deposition it appears another fact that in the year 2020 PWD department broken the shops for expansion of the road.

I find no substance regarding the alleged offence after going through the evidence of independent witnesses.

This is the sum and substance of the evidence of the prosecution witnesses. Prosecution did not take any steps for production of the seized alat before this Court and for its identification. Prosecution also did not take any steps by adducing cogent and corroborative evidence to prove the present case. The alleged stolen money was not recovered and there is no document regarding broken of stationary and pan shop of the complainant.

Therefore, I am compelled to hold that there is no iota of evidence against the accused persons. Consequently, the only point is answered in the negative and against the prosecution. Prosecution has hopelessly failed to bring home the charge against the accused persons.

In the result, the prosecution case fails.

Hence, it is,

O r d e r e d

that the accused persons are found not guilty of the offences u/s- 447/323/504/427/34 of I.P.C. and therefore, they are acquitted u/s 255 (1) of Cr.P.C.

Surety be discharged from their respective bail bonds and the accused persons be set at liberty forthwith.

Seized alat, if any, be returned to its original owner after expiry of the appeal period.

Note in the T.R.

Dictated & Corrected,

Sd/-
C. J. M.

Sd/-
Chief Judicial Magistrate,
Jhargram.