

GR Case No. 515/2014 (CIS NO. 1129/2017)
Delivered by Santosh Kumar Sharma
State of West Bengal VS Jhantu Das & Others.
Under Section 147/149/323/379/506 of the Indian Penal Code,1860.

FORM A

IN THE COURT OF THE JUDICIAL MAGISTRATE, JHARGRAM, DIST JHARGRAM	
Present : Santosh Kumar Sharma, JM, Jhargram JO Code WB 01353	
[Dated: 24.06.2026]	
GR Case No: 515/2014 TR No: 712/2015 CIS No: 1129/2017 CNR No:WBWM07-001221-2017	
(Jhargram PS Case No. 126/14 Dated. 23.07.2014)	
Complainant	STATE OF WEST BENGAL
Represented by	Sri Anil Mandal, Ld. APP
Accused Persons	1. Jhantu Das 2. Sankar Mahata 3. Mahadev Gorai 4. Janardhan Gupta (Filed for ever) 5. Buddheswar Mahata (Filed for ever)
Represented by	Sri Kausik Sinha

FORM B

Date of Offence	21/03/2014
Date of FIR	23/07/2014
Date of Charge sheet	30/04/2015
Date of Framing Charge	29/07/2016
Date of Commencement of Evidence	15/09/2017
Date on which Judgment is reserved	NA
Date of Judgment	24/06/2026
Date of the sentencing order, if any	NA

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 Crpc
1.Jhantu Das	04.11.2011	24.11.2011	U/S 147/149/323 /379/506 of IPC	Acquitted	NA	NA
2. Sankar Mahata	04.11.2011	24.11.2011	U/S 147/149/323 /379/506 of IPC	Acquitted	NA	NA

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3. Mahadev Gorai	04.11.2011	24.11.2011	U/S 147/149/323 /379/506 of IPC	Acquitted	NA	NA
4. Janardhan Gupta	04.11.2011	24.11.2011	U/ U/S 147/149/323 /379/506 of IPC	Acquitted (Filed for ever)	NA	NA
5. Buddheswar Mahata	04.11.2011	24.11.2011	U/S 147/149/323 /379/506 of IPC	Acquitted (Filed for ever)	NA	NA

FORM C.

Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
P.W.1	Anango Mahata	De-facto Complainant
P.W.2	Latika Mahata	Witness
P.W.3	Bhanumoti Mahata	Witness
P.W.4	Bindu Mahata	Witness
P.W.5	Dr. Subhamay Sinha	Witness
P.W.6	Tarun Mahata	Witness
P.W.7	Samir Chalak	Witness
P.W.8	ASI Swadesh Pramanik	Witness
P.W.9	SI Prabir Karmakar	Witness

B. Defence witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITES

A. Prosecution:

Sl. No	Documents/ Signature	Exhibit
1.	Four Signature on the Body of FIR	Exhibit-1 (Collectively)
2.	Injury report of Ananga Mahata	Exhibit-2
3.	Signature of PW4 on the injury report of Ananga Mahata	Exhibit-2/1
4.	Injury report of Bhanumoti Mahata	Exhibit-3
5.	Signature of the PW4 on the Injury report of Bhanumoti Mahata	Exhibit-3/1
6.	Signature of PW4 on FIR	Exhibit-P4/PW8
7.	Rough Sketch Map prepared by PW9	Exhibit-P5/PW9 (Collectively)

B. Defence: Nil

C. Court Exhibits: Nil.

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D. Material Objects: Nil

Case of the prosecution came into trial under section U/S 147/149/323/379/506 of Indian Penal Code, 1860.

One **Ananga Mahata** lodged the first information report to the effect that on 21.03.2014 at noon the accused persons entered his house and assaulted him and his family members including female and took away 392 bags of cashewnut, gold ear ring, cash of Rs. 30,000/-, some furniture and others items from his house. As such the present case was filed.

The information being cognizable in nature the police started specific case vide Sankrail P.S Case No. 126/14 dated 23.07.2014 under Section 147/148/149/323/324/325/379/506 of the Indian Penal Code, 1860 and after completion of investigation, the investigating officer of this case submitted charge sheet against the accused persons namely, **Jhantu Das, Janardhan Gupta, Buddheswar Mahata, Sankar Mahata and Mahadev Mahata** vide charge sheet No. 131/15 dated 30.04.2015 under section 147/149/323/379/506 of Indian Penal Code, 1860.

The trial commenced and the accused persons facing the trial were examined under section 240 of Code of Criminal Procedure, 1973 and charge was framed against **Jhantu Das, Janardhan Gupta, Buddheswar Mahata, Sankar Mahata and Mahadev Mahata** under sections 147/149/323/379/506 of Indian Penal Code, 1860 to which they pleaded not guilty and claimed to be tried.

During trial two accused persons namely, Janardhan Gupta expired on 11/10/2018 and Buddheswar Mahata expired on 23/06/2022.

Later, on the basis of death reports above named accused persons were filed for ever from this case.

The accused persons are examined as per provisions of section 313 of Criminal Procedure Code, 1973 and to which **Jhantu Das, Sankar Mahata and Mahadev Mahata** denied all the allegations raised against them and claimed themselves to be innocent.

The accused persons never preferred for adducing any witnesses on their part in spite of the opportunity given to them.

Points of determination

1. Whether the accused persons have committed any offence punishable under sections 147/149/323/379/506 of Indian Penal Code, 1860 ?

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2. Whether the prosecution has been able to establish the case against the accused persons beyond all reasonable doubts ?

Evidence on Record

PW1- Ananga Mahata has stated in his chief that one pair of gold ear ring , cash of Rs.30,000/- , one gas light, and some furnitures were taken away by the accused persons. Accused Jhantu Das assulted me with iron rod on my left leg and left hand and on my back. I sustained bleeding injury on my left leg and hand and back . I was admitted in Jhargram hospital for four days. But in his cross examination has stated that I am not able to file any document to show that I used to participate in forest auction . Police did not obtain any tender document from me. I did not handover any bill regarding purchase of gold ornaments to plice , which were allegedly stolen.

I did not handover any ownership document to police over the alleged place of occurance / storage of cashewnut .

It is fact that a civil case is pending between my wife and Janani Mahato. The disputed land is situated near the Bombay road.

PW-2 Latika Mahata has stated in her chief that incident took place on 21.03.2014 at about 12:00 to 01:00 pm. All the accused persons emntered the house and assaulted me and my husband. They first assaulted me by pulling my hair but I cannot say specificall;y who assulted me I was pushed down and lost my sence. After regaining sence I found that 332 bags of cashewnut and one iron almirah, 30 thousands of cash, one pair of gold ring, hazak and cooking utensils were missing. Myself, my husband and Bhanumati were treated at Jhargram Hospital.

In her cross examination she stated that I was not interrogated in this case, I lost my sence so I cannot say who assaulted whom. I also cannot say how my husband and my sister in law sustained injuries.

PW-3 Bhanumoti Mahata has stated that the incident took place on 21.03.2014 at 12:00 noon. The accused persons asaulted us, but I cannot say who assaulted whom. Myself, Latika, Bindu and Ananga were assaulted. I didi not see who assaulted whom, I also lost my sence. After regaining sence I found that 332 bags of casew nut, cash of Rs. 30000/- and gold ear ring of Latika were lost. We all four were treated at Jhargram Hospital.

In her cross examination she stated that I cannot say how my brother, sister in law sustained injuries and by whom.

PW-4 Bindu Mahata has stated that Jhantu, Mahadeb, Sankar Mahata and Buddheswar Mahata and others have a fight with us on 21.03.2014 at noon. Ananga Mahata was admitted to the Hospital. The house was ransacked. Many articles were taken away by the accused.

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In her cross examination she has narrated the facts of her chief.

PW5 - Dr. Subhamay Sinha (Medical Officer) has stated that on 21.03.14 Anaga Mahata and Bhanumati came before him with abdominal injury on left knee and forearm and wrist joint. Bhanumati had injuries on neck and shoulder and has stated about physical assault. Injury report was marked as Exhibit 2 and Exhibit 3 respectively.

In his cross examination he has state that such injury may occure if the they fall down on hard substance.

PW6- Tarun Mahata stated that the incident took place on 21.03.2014. Ananga , Bhanumati and Latika went to Hospital for treatment.

In his cross examination he has narrated the facts of his chief.

PW7- Samir Chalak stated that the incident took place on 21.03.2014 at about 12:00 to 12:30 pm. 20- 25 Accused persons assaulted Ananga. We fled away from there.

In his cross examination he has stated that Ananga was assaulted.

PW8- ASI Swadesh Pramanik stated that the he has only recorded the statements.

His cross examination is declined.

PW9- SI Prabir Karmakar stated that the he has recored statement of the complainant and and witnesses and also collected the injury report. The complainant failed to produce any documents regarding stolen atricles and I had filed CS.

Heard the arguments made by the Ld. APP for the prosecution and defence in full.

Decision with reasons

The essential ingredients of the offence under sec 147 are as follows :-

1. There was an assembly of five or more persons;
2. The assembly was unlawful;
3. Members of the assembly used force or violence;
4. Accused was a member of such assemble; and
5. Force or violence was used by the assembly in pursuance if their common object.

The essential ingredients of the offence under sec 149 are as follows :-

1. There was an assembly of five or more persons;

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2. The assembly was unlawful;
3. The accused joined internationally or continued in the assembly knowingly;
4. Accused had the knowledge of the common objects;
5. The offence was committed by one of the members of the assembly;
6. Commission of offence was in pursuance of the common object' and
7. Accused knew, as a member of the unlawful assembly, that such offence is likely to be committed.

The essential ingredients of the offence under sec 323 are as follows :-

1. Accused voluntarily caused bodily pain, deceased or infirmity to the victim;
2. The accused did so with intention of causing hurt or with the knowledge that he would thereby cause hurt to the victim.

The essential ingredients of the offence under sec 379 are as follows :-

1. The accused removed the movable property;
2. He removed it out of the possession of another person without his consent;
3. He did so with a dishonest intention.

The essential ingredients of the offence under sec 506 are as follows :-

1. The accused threatened someone with injury to his person, reputation or property of another in whom the former was interested;
2. The accused did so with intent to cause alarm to the victim of offence;
3. The accused did so to cause the victim to perform any act which he was not legally bound to do.

In this case nine (10) witnesses are cited but only Nine (09) have been examined. PW1, PW2 and PW3 stated that they do not know who assaulted whom. Further PW1, PW2 and PW3 could not produce any documents with respect to stolen articles. PW9 also stated the same .

Incident took place on 21.03.2014 where as the complaint was filed on 24.03.2014. Delay has not been explained. Medical Certificate produced by PW5, has no mention of assailant and the opinion of Medical officer regarding the sustained injuries is that such injury may occur if the they fall down on hard substance. Further the nature of injury and the participation of each accused and the extent thereof has not been clarified by the complainant or Prosecution. Nature of injury received by the alleged victims during assault as stated in FIR has also been not corroborated from the evidence of medical expert or other witnesses. It has also been admitted by PW1 and PW2 that there was a previous civil dispute between the parties, led to their enmity.

In absence of any documents of alleged stolen articles and Medical opinion along with the gap of statements regarding the series of incident by the other witnesses including PW4, PW6, PW7, and PW8, the guilt of the accused cannot be categorically established. There remains a doubt regarding the involvement and the actual role of the accused persons.

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It can never be enough on the part of the prosecution only to raise allegation but not to act meticulously to establish the allegations as leveled against the accused persons. The prosecution is duty bound to establish its case beyond all reasonable doubt.

In the present case, the prosecution has badly failed to establish its case beyond reasonable doubts and there was not a single iota of evidence attracting the ingredients of section 147/149/323/379/506 of the Indian Penal Code, 1860 and the accused persons under trial have not committed any such offence and they are entitled to be acquitted from this case.

Hence, it is.....

Ordered

That the accused persons namely, **Jhantu Das, Sankar Mahata and Mahadev Mahata** are found not guilty of committing any offence punishable under sections 147/149/323/379/506 of Indian Penal Code, 1860 .

The accused persons are acquitted from this case as per provisions of section 248(1) of the Code of Criminal Procedure, 1973 and the accused persons be released from their respective bail bonds at once.

Alamat seized, if any, in connection of this case be disposed of as per the provision of law.

The De-facto Complainant is at liberty to prefer Appeal against the acquittal and if required and necessary to avail free legal aid through the District Legal Services Authority to prefer and prosecute any such Appeal if preferred.

Let the Copy of this Judgment be forwarded to the District Magistrate, Jhargram and to the Ld. Secretary, District Legal Services Authority, Jhargram for information.

Typed and corrected by me.

(Santosh Kumar Sharma)
Judicial Magistrate, Jhargram.
J.O Code: WB01353

(Santosh Kumar Sharma)
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