

G.R Case No. 148/2017

FORM A

IN THE COURT OF JUDICIAL MAGISTRATE, 1st COURT, GARHBETA,
PASCHIM MEDINIPUR

Present: Aniruddha Deb Majumder (J.O Code: WB01518)
Judicial Magistrate 1st Court,
Garhbeta, Paschim Medinipur

Date of Judgment: 27.07.2026

GR-148/2017 (Reg. No. 1243/2017)
T R No. 161/2017

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP.
Accused	1. Ramprasad Mondal @ Kuchun, 2. Rabi Dagri, 3. Amal Barik, 4. Prakas Pandit, 5. Manas Kapri, 6. Bapan Ghosh, 7. Ganesh Pandit @ Gura
Represented by	Ld. Advocate Pradip Kumar Ghosh

FORM B

Date of offence	24.04.2017
Date of FIR	24.04.2017
Date of Charge sheet	30.04.2017
Date of framing of Charges/Plea	25.06.2018
Date of commencement of Evidence	28.12.2018
Date on which judgment is reserved	N.A
Date of the judgment	27.07.2026
Date of the sentencing order, if any	N.A

Accused Details

Rank of the accused	Name of the 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 the purpose of Section 428 CrPC
1.	Ramprasad Mondal @ Kuchun	25.04.2017	25.04.2017	u/s. 323/325/506/ 34 I.P.C.	Acquitted	N.A	N.A
2.	Rabi Dagri	25.04.2017	25.04.2017	u/s. 323/325/506/ 34 I.P.C.	Acquitted	N.A	N.A
3.	Amal Barik	25.04.2017	25.04.2017	u/s. 323/325/506/ 34 I.P.C.	Acquitted	N.A	N.A
4.	Prakas Pandit	25.04.2017	25.04.2017	u/s. 323/325/506/ 34 I.P.C.	Acquitted	N.A	N.A

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5.	Manas Kapri	25.04.2017	25.04.2017	u/s. 323/325/506/ 34 I.P.C.	Acquitted	N.A	N.A
6.	Bapan Ghosh	25.04.2017	25.04.2017	u/s. 323/325/506/ 34 I.P.C.	Acquitted	N.A	N.A
7.	Ganesh Pandit @ Gura	25.04.2017	25.04.2017	u/s. 323/325/506/ 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)
P.W-1	Bidhan Ghosh	Independent witness.
P.W-2	Anil Pandit	Independent witness.
P.W-3	Ramu Ruidas	Defacto complainant
P.W-4	Shyam Charan Ghosh	Independent witness.

B. Defense Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W-1	N.A	N.A

C. Court witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W-1	N.A	N.A

LIST OF PROSECUTION/ DEFENSE EXHIBITS/ COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit No.	Description
1.	Exhibit 1	Signature of P.W-3 in the written complaint.

B. Defense

Sr. No.	Exhibit No.	Description
1.	N.A	N.A

C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	N.A	N.A

D. Material Objects

Sr. No.	Material Object No.	Description
1.	N.A	N.A

J U D G M E N T

Facts of the Case:-

The prosecution case in brief, is that the defacto complainant was the owner of a line hotel situated at Dhadika village under Garhbeta Police Station and that a Hanuman Temple was situated near his hotel, of which he used to look after and maintain. He further stated that on 24.04.2017 at about 1:00 p.m., Kuchuan Mandal along with six other persons, all residents of Dhadika under Garhbeta Police Station came to his hotel armed with deadly weapons such as lathis and iron rods and threatened him. He stated that when he protested, all the accused persons assaulted him with lathis, iron rods and other weapons. He further stated that upon receiving information, the female members of his family reached the spot and rescued him. According to him, as a result of the assault, he sustained bleeding injuries became unconscious and was admitted to Garhbeta Rural Hospital for treatment.

Registration of the F.I.R.:- After the filing of this case F.I.R no. 97/2017 dt. 24.04.2017 was registered.

Investigation of the case:- The case was endorsed to ASI Jitendranath Mahato for investigation.

Filing of charge sheet:-

After completion of investigation the Charge-Sheet being no. 109/2017 dated 30.04.2017 was submitted under section U/s. 323/325/506/34 of IPC against the above-named accused persons.

Taking of cognizance: -

The cognizance of the offence was taken against the accused persons 13.05.2017.

Framing of Charge: -

After considering the materials on record the charge U/s. 323/325/506/34 of IPC was framed against all the accused persons. The substance of charge so framed was read over and explained to the accused persons to which they pleaded not guilty of committing the offence and thus claimed to be tried.

The case is well within jurisdiction of this court. The trial was started against the accused persons.

Points for Consideration:-

a) Whether the prosecution has been able to prove the charges u/s 323/325/506/34 of IPC against the accused persons?

b) Whether the accused persons are liable to be punished under section 323/325/506/34 of IPC?

Evidence on record:-

The prosecution in the instant case has examined four witnesses. **P.W. 1**, the de facto complainant stated that he had lodged the complaint at Garhbeta Police Station against Amil Barik, Kuchun Manda, Prakash, Manash, Ganesh Pandit and Rabi Dagri. He further stated that the alleged incident had occurred on 24.04.2017 at about 1:00 p.m. to 1:30 p.m. at his shop situated at village Dhadika. According to him, on the date of the incident, due to a dispute relating to the construction of a Hanuman Temple, the accused persons came to the place of occurrence and assaulted him with an iron rod and bamboo sticks. He stated that he sustained severe injuries on his right hand and both legs as a result of the assault. He further stated that the staff members of his shop intervened, separated the accused persons from him, whereupon the accused persons fled away from the spot. He further stated that thereafter he became unconscious and that his relatives and neighbours took him to Garhbeta Rural Hospital for treatment, where he regained consciousness. He stated that thereafter he, along with his brother, went to Garhbeta Police Station and lodged the complaint. The written complaint was shown to the witness. He identified his signature thereon and stated that he could not state the name of the scribe. He further stated that the scribe had read over and explained the contents of the complaint to him, and after understanding the same, he had put his signature thereon. The signature of P.W. 1 on the written complaint was marked as **Exhibit-1**.

During his cross-examination he stated that it was a fact that his written complaint did not mention that its contents had been read over and explained to him. He further stated that on the date of the incident accused Ganash Pandit had been armed with an iron rod and accused Rabi Dagri had been armed with a bamboo stick. He admitted that the F.I.R. did not mention which of the accused persons had been armed with an iron rod or a bamboo stick. He denied the suggestion that he was falsely stating that Ganash Pandit had been armed with an iron rod and Rabi Dagri with a bamboo stick. He further stated that his hotel was situated at Mouza Dhadika Mandal Puskarani, though he could not recollect the plot number. He stated that the name and style of his hotel was "Maa Kali Hotel" and that he possessed documents to establish his ownership of the hotel, though he had not handed over the said documents to the police. He denied the suggestion that he had no such hotel. He further stated that he possessed a trade licence in respect of the said hotel but had not produced the same before the Court, though he could produce it if necessary. He denied the suggestion that he had no such

hotel at Dhadika. He further stated that one criminal case was pending against him. He denied the suggestion that he had neither established the Hanuman Temple nor created any nuisance there. He stated that he had one brother and that both of them were residing together in the same mess. He denied the suggestion that they were not residing together. He further denied the suggestion that the staff of the hotel had not separated the accused persons from him or that the accused persons had not fled away from the place of occurrence. He also denied the suggestion that he had falsely instituted the present case in order to harass the accused persons. The witness further stated that he had been the Secretary of the Hanuman Temple at the relevant time, though he had not produced any document before the police to establish the same. He denied the suggestion that he had falsely deposed in the case. Finally, he stated that his brother, Sambhu Ruidas, neighbour Sanjay Ruidas and several other persons had taken him to the hospital after the incident.

P.Ws. 1, P.W 2 and P.W 3 stated in their examination-in-chief that they knew the de facto complainant but had no knowledge whatsoever regarding the alleged incident forming the subject matter of the case.

Their cross-examination was declined by the Ld. Defence counsel.

After considering the materials from the record, the Ld. Advocate of the prosecution side prayed for closing the evidence and the defence counsel did not raise any objection.

The accused persons were examined u/s. 313 Cr.P.C. and the accused persons claimed to be not guilty again. No witnesses were adduced by the Ld. Defence counsel.

Decisions with reasons:-

It appears from the testimonies of the P.W. 1, the de facto complainant alleged that the accused persons had assaulted him, his testimony remained uncorroborated by any independent eyewitness. P.Ws. 2 and 3, who were cited as prosecution witnesses, did not support the prosecution case and categorically stated that they had no knowledge whatsoever regarding the alleged incident. They were not declared hostile, and their cross-examination was declined by the defence. Thus, no independent witness has supported the occurrence. Further, material omissions and inconsistencies appeared in the evidence of P.W. 1. He admitted that the F.I.R. did not mention which accused was armed with which weapon, although he introduced those specific allegations during his deposition. He also failed to produce any documentary evidence to substantiate his claim regarding ownership of the hotel or his position as Secretary of the Hanuman Temple, despite asserting the existence of such documents. In the absence of reliable independent corroboration and in view of the material omissions and improvements in the testimony of P.W. 1, the prosecution has failed to establish the guilt of the accused persons beyond reasonable doubt.

The case is virtually without sufficient evidence. It is well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused persons have to be tested. In case the charges are found to be proved, the accused persons are sent to gallows, but if it is not proved, the accused persons must be set at liberty giving them the benefits of doubt. Thus, in the present case, the evidence on record when tested on the touchstone of the often-quoted principle of “proof beyond reasonable doubt”, it appears to this Court that the prosecution has failed to prove the charges against the accused persons. Accordingly, the accused persons are not liable to be punished.

Thus, it appears to this Court that the prosecution has miserably failed to prove its case beyond reasonable doubt. So, in this case, the accused persons are not liable to be punished since the charge against them have not been proved by the prosecution.

Hence, there is no other option left before this Court but to acquit the accused persons.

Hence, it is

O R D E R E D

that the accused persons namely **1. Ramprasad Mondal @ Kuchun, 2. Rabi Dagri, 3. Amal Barik, 4. Prakas Pandit, 5. Manas Kapri, 6. Bapan Ghosh and 7. Ganesh Pandit @ Gura** are found not guilty of committing the offence under Section **323/325/506/34 of IPC** and hereby acquitted of the charge framed against them as per section 248 (1) of the Cr. P.C.

They are also discharged from the liability of their bail-bond(s) and is set at liberty.

The sureties, if any, are also discharged.

The seized articles, if any, be disposed according to provision of law after the expiry of appeal period.

The case is thus disposed of.

Take note on relevant register.

Let a copy of the judgment be sent to the District Legal Service Authority, Paschim Medinipur and District Magistrate, Paschim Medinipur.

The victim has the right to prefer an appeal u/s 372 of Cr. P.C.

D/C by me

**Judicial Magistrate 1st Court,
Garhbeta, Paschim Medinipur
J.O Code: WB01518**

**(Aniruddha Deb Majumder)
Judicial Magistrate 1st Court,
Garhbeta, Paschim Medinipur
J.O Code: WB01518**