

District : Birbhum.

**In the Court of the Judicial Magistrate,
Dubrajpur, Birbhum.**

**Present : Sri Sohan Mukhopadhyay
Judicial Magistrate,
Dubrajpur, Birbhum.**

**N.G.R. Case No.980/2011
T.R. No.304/2012(Dub).
C.N.R-WBBBOB-000008-2015
R.N.01/2015**

Trial Under Sections-323 of the IPC

State

-Vs-

**SK Amir and others.
Judgment Delivered on :**

9th day of April, 2019.

The prosecution case is all about an incident of assault and intimidation dated 07/03/2011 inflicted upon the complainant. An FIR to that effect was lodged P.N.No.620/2011 dated 13/07/2011 and on completion of investigation P.S case GDE No. 726 /2011 dated 08/03/2011 and GDE No.1046/2011 dated 26/07/2011 was submitted u/s-323 of the IPC against (1)SK Amir; (2)SK Raju; (3)Katon and (4)SK Jerafat. The formal plea was read on 04/08/2012 to which the accused persons pleaded not guilty and claimed to be tried. The main points of determination being whether the accused persons are the perpetrators of the crime and whether the prosecution has been able to establish the same beyond the scope of reasonable doubt.

PW1, is a police personnel who describes as to how he received the information of the incident on 08/03/2011 whereupon he sent his men who gathered the information that SK Amir and others were the assailants and that he conducted an enquiry into the matter and submitted the report. Facing cross examination he admits that the incident occurred on 07/03/2011 as per prosecution report however the GDE speaks that it occurred on 06/03/2011. On appraisal of the above evidence that same seems to be laden with contradictions and ambiguities and which is also kind of a hearsay one relying whereupon no stern connection over the guilt could be arrived at. Under such circumstances the proper order is that of an acquittal.

Hence, it is

ORDERED

that the accused persons are found not guilty and are hereby acquitted in accordance with u/s 255(1) of CrPC. Accordingly let them be discharged from the bail bond and set at liberty.

(Sd/ Sohan Mukhopadhyay)

Judicial Magistrate

Dubrajpur, Birbhum.