

30.11.2022
Item No. 22
BR

CRR 869 of 2008

In the matter of : Muktul Sk.

Mr. Snehansu Majumder,
.... For the petitioners

Mr. N.P.Agarwal,
Mr. Pratick Bose ... for the State

Mr. Soumyadeep Biswas... for the O.P. Nos. 2 to
5,8 and 9

This revisional application filed under Section 482 of Cr P C challenging the judgment and order passed by learned Additional Sessions Judge , Fast Track 3rd Court, Krishnagar, Nadia in Session Case No. 5 (12) of 2006 and Sessions Trial No. IV (April)2007. By the impugned judgment the learned trial Court recorded an order of acquittal after meticulously assessing the evidence of record. According to the learned trial Court both the complainant and his associates and the accused persons indulged in application of physical force against each other. There was a free fight resulting into injuries of some persons on the side of the de facto complainant but learned trial Court failed to assess the role of the parties involved in such fight, as to who were aggressors and who were at the receiving end with certainty. It is the settled principles of criminal jurisprudence that when two views are possible , one that tills in favour of accused persons should be accepted. I do not find anything wrong on the part of

learned trial Judge in recording an order of acquittal by extending benefit of doubt in absence of any evidence to hold that the accused persons and none else were responsible for the injuries caused to the victims.

This criminal revision does not warrant any interference with the observation it is dismissed.

Let a copy of the order be sent to the learned trial Court for information and necessary action. Applications are also disposed of.

All parties are to act on the server copy of this order duly downloaded.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Siddhartha Roy Chowdhury, J.)