

17.01.2022.
Ct.No.29.
AS.
4.

C.R.R. 1250 of 2010

In the matter of : Shib Bilash Ghosh.
... Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.
...for the State.

Learned Advocate on behalf of the State appears. None appears on behalf of the petitioner.

Proper authority is requested to regularize the appointment of Mr. Madhusudan Sur and Mr. Dipankar Paramanick, learned Advocates.

Learned Advocate appearing for the State submits that the revisional application may be disposed of on merit.

This revisional application is against the judgment and order dated 12.1.2010 whereby the learned Additional District and Sessions Judge, Fast Track Court-I, Bongaon, North 24-Paraganas acquitted all the nine accused persons against whom charge under Sections 147/148/325/448/354/376/511 of the Indian Penal Code was framed.

According to the prosecution case, complainant Shib Bilash Ghosh, brother of one Uma Ghosh received information about the attack having been perpetrated upon his elder sister and her children and about her hospitalisation on 3.4.1995. On receiving that information he met his elder sister in hospital and he knew from his niece that the accused persons and others came to the house of the injured and assaulted her mercilessly. After returning from hospital, she lodged First Information Report and

the case was registered as Gopalnagar Police Station Case No.43 dated 3.4.1995 under Sections 147/148/325/448/427 of the Indian Penal Code. After assuming investigation, I.O. on its completion, submitted charge sheet under Sections 147/148/325/448/427/354/376/511/307/379 of the Indian Penal Code.

After hearing both the sides, learned Additional District and Sessions Judge, Fast Track Court-I, Bongaon framed charge under Sections 147/148/325/448/354/376/511 of the Indian Penal Code. On behalf of the prosecution, nine witnesses were examined and documents were marked as exhibits 1 to 3. On careful perusal of the evidence of the witnesses, the learned Judge acquitted all the accused persons due to insufficient evidence and uncorroborated by any medical evidence.

After going through the entire evidence and written complaint, I find though the injured were hospitalised but that was not substantiated by any medical paper and most of the witnesses declared hostile. The reasons given in the judgment cannot be overlooked in coming to the conclusion in favour of acquittal.

Considering all the facts and circumstances of the case, I do not find any reason to interfere with the judgment as I do not find any illegality or irregularity in the judgment passed by the learned Additional District and Sessions Judge, Fast Track Court, Bongaon. This being so, the instant revisional application stands dismissed.

Copy of the order along with the lower court records be sent to the court of learned Additional Sessions Judge, Fast Track Court-I, Bangaon, 24-Paraganas (North).

(Bibhas Ranjan De, J.)