

02.12..2022

Item No. 16

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**CRR 2740 of 2007**

**In the matter of : Anil Kumar Paul**

Mr., Milon Mukherjee, senior advocate,  
Mr. S. Sarkar  
.... For the petitioners

Mr. Bidyut Roy,  
Ms. S.Das

.... For the State

Shri Anil Kumar Pal informed the officer-in-Charge of Ketugram P.S. that on 2<sup>nd</sup> November, 2000 at about 11 a.m. he was supervising the works of Masion engaged by him to repair boundary wall. Mihir Mondal, Mahadeb Mondal , Buddhadeb Mondal and Joydeb Mondal attacked and assaulted them with ramda a sharp cut weapon . Mahadeb Mondal and Mihir Mondal landed blow on the left hand of his brother who sustained fractured injury. On the basis of such information Ketugram P.S. Case No. 95 of 2000 was registered. Police took up investigation which culminated into submission of charge sheet against the four accused persons . Learned Additional Sessions Judge , Fast Track Court, Katwa having considered the materials collected in course of investigation was pleased to frame charge under Section 341/326//34 of the Indian Penal Code against the accused persons who stood the trial by pleading their innocence.

After considering the testimony of prosecution witnesses learned trial Court was pleased to record an order of acquittal as against all the accused persons. By

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preferring this criminal revision the de facto complainant has challenged the finding of learned trial Court. In course of trial the mason engaged by the informant as well as victim did not support the prosecution case. They spoke about altercation that broke out over the issue of encroachment of public pathway. Many people assembled there to voice their objection over the construction of boundary wall encroaching upon the public pathway. The doctor while adducing evidence as PW 9 found lacerated injury on the left forearm of Bishnu Kumar Pal allegedly assaulted by ramda, a heavy sharp cut weapon like Ramda cannot create injury like laceration. No blood stained earth or control earth was collected by the Investigating Officer. No evidence came to the fore indicating that the victims were wrongly restrained for the purpose of assault. There was delay of eight hours in informing the police and such delay was not explained even. With the aforesaid observations learned trial Court came to a conclusion that the prosecution failed to prove the charges and I do not find any reason to interfere with such observation.

The criminal revision is bereft of any merit and dismissed, however without costs.

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.)