



IN THE COURT OF JUDICIAL MAGISTRATE, 3<sup>rd</sup> COURT, SEALDAH, SOUTH 24 PGN.

[PRESENT: Sonika Shaw  
(J.O. Code : WB01422)  
Judicial Magistrate, 1<sup>st</sup> Class]

Date of Judgment: Friday, 10.07.2026

GR-2300/2024  
(CNR: WBSP0A-001692-2024)

(Arising Out Of: Beliaghata P.S. FIR No. 190 dated 04-12-2024 u/s. 126(2)/115(2) of B.N.S)

|                           |                                                                                             |
|---------------------------|---------------------------------------------------------------------------------------------|
| Complainant / Prosecution | STATE OF WEST BENGAL<br>(Defacto: Sushmita Mitra)                                           |
| Accused Person            | 1. Saikat Mitra                                                                             |
| Represented by:           | Sri. Suman Samanta.....Ld. A.P.P.<br><br>Sri Sourav Naskar .....Ld. Adv. for Accused person |

FORM – B / (M) 35

|                                    |            |
|------------------------------------|------------|
| Date of Offence                    | 03.12.2024 |
| Date of FIR                        | 04.12.2024 |
| Date of Charge sheet               | 18.05.2025 |
| Date of Framing Charge             | 23.06.2026 |
| Date of Commencement of Evidence   | 01.07.2026 |
| Date on which Judgment is reserved | 10.07.2026 |
| Date of Judgment                   | 10.07.2026 |

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 Cr.P.C |
|---------------------|---------------------|--------------------------|-------------------------|-----------------------------------|--------------------------------|------------------|----------------------------------------------------------------------------------|
| 1                   | 1.Saikat Mitra      | 05.12.2024               | 05.12.2024              | US. <u>126(2)/115(2) of B.N.S</u> | Acquitted                      | -                | -                                                                                |

FORM-C / (M)36

LIST OF PROSECUTION / DEFENCE WITNESSES/COURT WITNESSES

**A. Prosecution:**

| Rank  | Name           | Nature of evidence<br>(eye witness, police witness, expert, medical, panch witness, other witness) |
|-------|----------------|----------------------------------------------------------------------------------------------------|
| P.W-1 | Sushmita Mitra | De-facto complainant/CSW-1                                                                         |
| P.W-2 | Sujata Mitra   | Mother of the De-facto complainant/CSW-2                                                           |

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**B. Defence Witness, if any:**

| Rank | Name | Nature of evidence<br>(eye witness, police witness, expert, medical,<br>panch witness, other witness) |
|------|------|-------------------------------------------------------------------------------------------------------|
| NIL  |      |                                                                                                       |

**C. Court Witness, if any:**

| Rank | Name | Nature of evidence<br>(eye witness, police witness, expert, medical,<br>panch witness, other witness) |
|------|------|-------------------------------------------------------------------------------------------------------|
| NIL  |      |                                                                                                       |

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

**A. Prosecution:**

| Sr. No. | Exhibit Number  | Description                                                            |
|---------|-----------------|------------------------------------------------------------------------|
| 1       | Exhibit-P1/P.W1 | Complaint along with the signature of the complainant on the complaint |

**B. Defence:**

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| NIL     |                |             |

**C. Court Exhibits:**

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| NIL     |                |             |

**D. Material Objects:**

| Sr. No. | Material Object Number | Description |
|---------|------------------------|-------------|
| NIL     |                        |             |

**PROSECUTION CASE:**

1. The case of the prosecution is that on 03.12.2024 at 23:00 hours the FIR named accused person being her elder brother wrongfully restrained her and assaulted her with fist and blows over family dispute. As a result she received injury on her right hand. She was treated and discharged from N.R.S Hospital.
2. On the basis of the same, a formal FIR drawn up by Entally P.S u/s. **126(2)/115(2) of B.N.S** , and the instant GR case was started.
3. Upon completion of investigation, the I.O has submitted a charge sheet against the accused person, for commission of offence punishable u/s **126(2)/115(2) of B.N.S.** Accordingly the cognizance was taken against the accused persons for the aforesaid offence, and this court received the case for trial on 27.02.2026.
4. The accused person was examined for the offence under section **126(2)/115(2) of B.N.S.** The substance of accusation was read over and explained to accused person. Charge was accordingly, framed on 23.06.2026 under Section **126(2)/115(2) of B.N.S** against the accused person. The accused person denied the charges, pleaded ‘**not guilty**’ and claimed to be tried.

**EVIDENCE DURING TRIAL:**

The prosecution was able to bring forth following witnesses to prove the case.

**P.W.1- Sushmita Mitra (De-facto complainant) and**

**P.W.2- Sujata Mitra (Mother of De-facto complainant)**

**The prosecution filed the following document in support of their contention.**

**Exhibit- P1/P.W1- Complaint along with the signature of the de facto complainant on the complaint.**

**POINTS OF CONSIDERATION:**

- a. Whether the prosecution has been able to prove the charges u/s. **126(2)/115(2) of B.N.S** against the accused person beyond all reasonable doubt or not?
- b. Whether the accused person is liable to be punished u/s. **126(2)/115(2) of B.N.S.**?

**DECISION WITH REASONS:**

It is well-settled principle of law that initially burden of proof lies upon the Prosecution in order to prove its case and, if there is any doubt the accused person will get the benefit of that doubt.

In order to prove its case, the Prosecution has examined two witnesses i.e. the defacto complainant, Sushmita Mitra (De-facto complainant) as P.W.1 and Sujata Mitra (Mother of De-facto complainant) as P.W.2.

This Court has gone through the evidence of the P.W.1 and P.W.2.

The main allegation against the accused person is that on 03.12.2024 at 23:00 hours the FIR named accused person being her elder brother wrongfully restrained her and assaulted her with fist and blows over family dispute. As a result she received injury on her right hand. She was treated and discharged from N.R.S Hospital.

However, the P.W. 1 who is the defacto complainant/victim stated on oath that she cannot recollect the facts of this case and the instant case has been filed due to misunderstanding. The testimony of P.W-1 has been corroborated by P.W-2 who stated that she cannot recollect the facts of this case. So, the Prosecution has not produced further witnesses. The prosecution did not examine the other witnesses of this case.

Moreover, the P.W-1 has stated that she has no objection if the charges against the accused person is dropped.

The evidence of the witness hardly shows existence of any material to sustain the charge under section 126(2)/115(2) of B.N.S. The prosecution did not adduce any further evidence. Therefore, considering the entire oral and documentary evidence and in view of my above discussion, this Court is of the opinion that the Prosecution has failed to prove the charges against the accused person beyond any shadow of doubt and as such, the accused person is entitled to get benefit of doubt in the instant case.

Hence, it is

**O R D E R E D**

**that the accused person namely Saikat Mitra is found not guilty of the offence 126(2)/115(2) of B.N.S. He is acquitted U/s. 271(1) of B.N.S.S.** He is also discharged from his respective bail bonds. Send the copy of this Judgment to the defacto complainant/victim through the District Magistrate, Sealdah.

Accordingly, the case is thus disposed of.

BC II is directed to note in the TR register and CIS accordingly.

**Sd/-**

**(Sonika Shaw)**

**Judicial Magistrate, 3<sup>rd</sup> Court,  
Sealdah, South 24 Parganas**

**Sd/-**

**(Sonika Shaw)**

**Judicial Magistrate, 3<sup>rd</sup> Court  
Sealdah, South 24 Parganas**

