

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE,
CALCUTTA**

Present:
Koustuv Mukhopadhyay
(J.O. Code WB01059)
Chief Metropolitan Magistrate,
Calcutta

GR Case No. 336 of 2022

CIS No. GR(S) 336 of 2022

T.R No. 56 of 2023

CNR No.WBCS02-145916-2022

Order dated : 25/01/2024

Today is fixed for evidence.

Accused persons are present along with their Ld. Advocate.

Today the CSW-9 i.e IO of this case (PW-1) is present and he is examined and cross examined in full and he was discharged. Considering the merit of this case and consent of the both sides the evidence of prosecution is closed.

The record is taken up for examination of the accused persons u/s 313 of Cr. P. C.

The accused persons are examined u/s 313 of Cr. P. C and the contents thereof are reduced to writing in the prescribed form. Defence declines to adduce evidence.

Chief Metropolitan Magistrate
Calcutta.

Later : (At about 1:30 p.m) :

The record is taken up for argument by consent of both sides.

Heard the argument of both sides.

The record is taken up for judgment.

Judgment is ready and delivered in open court reading out the operative portion of the judgment in presence of accused persons. Ld. PP and Ld. Counsel for the accused persons.

Hence, it is

ORDERED

that the accused persons namely ***Sanjib Pandey @ Sanjeev Pandey and Pradip Saha @ Pradip Kumar Saha*** are acquitted u/s 248(1) of CrPC.

They are on court bails and bail bonds shall remain in force for the next six months as per the mandate laid down in Section 437A of Cr.P.C. Let the accused persons be set at liberty at once.

Let a soft copy of the judgment be uploaded in the CIS within 48 Hours from now as per Rule 186A of the Cr.R.O of Hon'ble High Court, Calcutta.

As per solemn direction of the Hon'ble Court passed in Sabitri Bhunya vs State of West Bengal & Others (CRAN 01/2020 dated 29/03/2022) it is hereby held that the victim coming within the purview of section 2(wa) of CrPC has the right to prefer appeal against this judgment of acquittal delivered by me under the proviso clause of Section 372 of Cr.P.C and if necessary, they may avail free legal assistance through District Legal Services Authority, Kolkata.

The office is directed to send a PDF copy of this judgment through email to the Commissioner of Police, Kolkata and to the Ld Secretary, District Legal Services Authority, Kolkata at the earliest.

Office to make necessary noting in the germane registers.

Dictated & corrected by me.

Dated: 25/01/2024

Dictated & corrected by me,

Chief Metropolitan Magistrate,
Calcutta.

Chief Metropolitan Magistrate,
Calcutta.