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IN THE COURT OF THE JUDICIAL MAGISTRATE,
16th COURT, CALCUTTA.

Present: Tsering Choden
(J.O. Code No.WB01158)
Judicial Magistrate, 16th Court, Cal.

G.R. Case No. 827/2022
C.I.S No. GRN 827/2022
CNR No. WBCS02-145936-2022

State of West BengalProsecution

Vs.

Jeet Lal SonkarAccused Person

Date of Judgment: 20th day of November, 2025

J U D G M E N T

1. The prosecution case, in brief, is that on 07.07.2022 the O.C of Burrabazar P.S. received a written complaint from one Bivekananda Mahapatra to the effect that on 02.09.2022 at night at shop namely, Kanaiyalal Taparia and Sons situated at 74 Jamuna Lal Street while he had gone to collect money from the said shop, at that time, he found that his plastic bag containing Rs.2,89,000/- was stolen by some unknown person.

2. On the basis of the said written complaint, the concerned O.C. started Burrabazar P.S. Case No. 156 dt. 07.07.2022 u/s. 379 of I.P.C. against the accused Jeet Lal Sonkar and the I.O. of the case took up the investigation and after completion of the investigation he submitted the charge

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sheet u/s. 379 of I.P.C. against the accused person. The Ld. A.C.M.M., Kolkata took cognizance of the offence and transferred the case to this court for disposal. Ultimately, on 20.06.2023 the charge u/s. 379 of I.P.C was framed against the accused person to which he pleaded not guilty and claimed to be tried.

3. On the other hand, the defence case is that of total denial of prosecution case. It is also the case of the defence that the accused person has been falsely implicated by the complainant in this case

POINTS FOR DETERMINATION

4. The only point for determination is whether the prosecution has been able to prove the alleged offence u/s. 379 of I.P.C. against the accused Jeet Lal Sonkar beyond all reasonable doubt?

DECISION WITH REASONS

5. The essential ingredients to establish an offence under section **379** I.P.C. are as follows:-

- 1) The accused removed the movable property;
- 2) He removed it out of the possession of another person without his consent;
- 3) He did so with a dishonest intention.

Evidence

6. In order to prove its case, the prosecution has examined only three witness i.e. the de facto complainant namely, Bibekananda Mahapatra as P.W.-1, Kishan Taparia as P.W.-2 and S.I. Surajit Chatterjee as P.W.-3.

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7. The P.W.-1 (Bibekananda Mahapatra) has deposed that in the year 2022 the accused person took Rs. 2,89,000/- from him and, as such, he lodged a complaint against the accused Jeet Lal Sonakar. The written complaint along with his signature is marked as Exhibit.-1. He has further deposed that he received the said money from the Court by furnishing a bond. The bond along with his signature is marked as Exhibit.-2.

8. During cross-examination he has deposed that out of suspicion he has lodged the complaint against the accused person and he has no allegation against the accused Jeet Lal Sonkar.

9. The P.W.-2 (Kishan Taparia) has deposed that he knows the P.W.-1 and at 74, Jamunalal Bajaj Street, Tripal Patti, the accused took away the bag containing cash without informing him and from the CCTV footage it is found that the accused was taking away the bag containing the cash. He has further deposed that he heard that the money was recovered.

10. During cross-examination he has admitted that he cannot recollect regarding the alleged incident as it occurred long time back.

11. The P.W.-3 (I.O. Surajit Chatterjee) has deposed that on 07.07.22 the case was endorsed to him by the then O/C of Burrabazar P.S by putting his signature. The endorsement of O/C of Burrabazar P.S is marked as Exhibit-3 and the Formal FIR filled in by him along with his signature is marked as Exhibit.-4. He has further deposed that he had

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seized Rs. 2,89,000/- from the possession of the accused person and also gone through the CCTV footage, then he identified the offending motor-cycle and seize the said motor-cycle. The seizure-list dtd. 07.07.22 bearing time 20.10 to 20.25 hrs along with his signature is marked as Exhibit-5. The leading statements of the accused is marked as Exhibit no. 6.(Objected to).

12. During cross-examination he has admitted that he did not seize any CCTV footage of the alleged incident. He has denied the suggestions given by the Ld. Defence Counsel that his entire investigation is a table work and he has submitted perfunctory charge-sheet against the accused person.

13. The evidence brought by the prosecution is very weak and failed to corroborate the F.I.R.

14. The witnesses brought by the prosecution do not support and corroborate the prosecution story beyond reasonable and probable doubt and upon which the conviction of the accused can be sustained.

15. So, none of the essential ingredients as mentioned above for the purpose of establishing offence under section 379 of I.P.C. is established from the evidence on record.

16. The case is virtually without sufficient evidence. It is well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused

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has to be tested. In case the charges are found to be proved, the accused is sent to gallows, but if it is not proved, the accused must be set at liberty giving him the benefits of doubt. In the present case, the evidence on record, when tested on the touchstone of the often-quoted principle of “proof beyond reasonable doubt”, it appears to me that the prosecution has failed to prove the charge against the accused person. Accordingly, the accused person is not liable to be punished.

17. Thus, the prosecution has miserably failed to prove its case beyond reasonable doubt. So, in this case the accused person is not liable to be punished since the charge against him has not been proved by the prosecution.

18. Hence, there is no other option but to acquit the accused.

Hence, it is

O R D E R E D

that the accused person namely, **Jeet Lal Sonkar** is found not guilty of the offence **u/s. 379 of I.P.C.** and he is acquitted **u/s. 248(1) of Cr.P.C.** He is also discharged from his bail bond.

The seized alamats, if any, be destroyed subject to the time of Appeal.

Typed and corrected

**Sd/-
Judicial Magistrate
16th Court, Calcutta.**

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(Tsering Choden)
(J.O. Code No.WB01158)
Judicial Magistrate
16th Court, Calcutta**