

In the Court of the Chief Judicial Magistrate,
Purba Medinipur at Tamluk

Present: **Sri Avik Kumar Chatterjee (WB01151)**
Chief Judicial Magistrate
Purba Medinipur at Tamluk

G.R -171/2015 (CIS no. 171 of 2015)
(Charge U/Sec 279/338/304A of I.P.C)

(Arising out of Moyna P.S Case No.17/15 dt. 20.01.2015
U/Sec. 279/338 of I.P.C)

State of West Bengal

.....Prosecution

- Vs -

Giridhari Maity

..... Accused person.

Date of delivery of Judgment: 08.07.2026

This court delivers the following

J U D G E M E N T

Facts of the case in a nutshell is that the *de facto* complainant Sunil Jana lodged a complaint before Moyna Police Station, which was registered as F.I.R and the police proceeded with the investigation into the matter and filed charge sheet against the accused persons.

The *de facto* complainant Sunil Jana alleged that on 17.01.2015 at about 02:00 p.m when his father Banerswar Jana was returning by Moyna College road, one motorcycle bearing no. WB 12Y/1598 (Hero Honda CD 100) coming from opposite side dashed on his father. As a result his father sustained grievous injury and with the help of local people, his father got admitted at Gar-Moyna BPHC. Thereafter, his father was shifted to Fuleswar Sanjibani Hospital. After few days his father died. He further stated that the accident caused due to rash and negligent driving of the driver of offending motorcycle.

The cognizance of the alleged offence was taken by the court on the basis of the charge sheet and the case record was transferred to this court for trial and disposal.

This court received the instant case record for trial and on perusal of the materials on record and on hearing the Ld. Advocate of the accused person as well as the Ld. A.P.P and after finding materials under Sections 279/338/304A of IPC charge was framed against the accused person and substances of accusation were read over and explained to him to which he pleaded not guilty and claimed to be tried.

Accused person was examined under Sec. 313 Cr.P.C. During course of such examination, he pleaded innocence and expressed his unwillingness to adduce any evidence of DW.

POINTS FOR DETERMINATION

- 1) Whether the prosecution has been able to prove the accusations against the accused person or not ?
- 2) Whether the accused person is liable to be punished u/sec. 279/338/304A of IPC or not ?

DECISION WITH REASONS

Instant is an old case of the year 2015. Prosecution could adduce evidence of only four witnesses named in the final report, including the DC. The *de facto* complainant as PW-1, simpliciter stated about a road traffic accident without raising any sort of allegation against the accused. He admitted while facing cross-examination that he did not eye witness the incident.

All the other witnesses expressed their ignorance about the matter. Practically all of them played a sterile role in the witness box lending no support to the prosecution case.

Issuance of summons on the other independent witnesses could not yield any fruitful result. Right to speedy trial is a constitutional mandate and the accused should not be denied that right. Considering the trend of evidence adduced by PW-1 to 4, failure of prosecution to adduce any incriminating evidence and long pendency of the case, evidence of PW was closed with the observation that there existed no chance of further improvement of the prosecution case, even if, the witnesses who discharge their official duties during investigation were summoned.

Thus, considering the fact and circumstances of the case and materials on record it appears that the prosecution has not been able to establish its case against the accused person beyond all reasonable doubt.

Hence, it is

O R D E R E D

That the accused person namely **Giridhari Maity** is found not guilty of the offence U/Sec. 279/338/304A of I.P.C and thus, he is acquitted U/Sec 255(1) Cr.P.C.

G.R Case No. 171/2015 be and same is hereby disposed of on contest.

Release the accused person at once.

Let the surety be discharged from his bail bond(s).

Seized *alamats*, if any, be disposed of after appeal period is over.

Note in the T.R.

Dic. & Corr. by me

C.J.M,
Purba Medinipur

Chief Judicial Magistrate,
Purba Medinipur at Tamluk
08.07.2026

G.R -279 of 2015

Order dated 08.07.2026

Today is fixed for examination of the accused person under Sec.313 of Cr.P.C.

Accused person on court bail is present by filing *hazira*.

Ld. APP and Ld. Defence counsel are also present.

Accused person is examined under Sec.313 Cr.P.C. During course of such examination, he pleads innocence and expresses his unwillingness to adduce any evidence of DW. Evidence of DW is closed.

Heard argument of both sides.

Judgment will be delivered in 2nd half.

Accused to appear later on call.

Dic. & Corr. by me

C.J.M, Tamluk

Chief Judicial Magistrate,
Tamluk, Purba Medinipur

Later : Dt. 08.07.2026

The judgment is ready and delivered in open court in presence of Ld. Advocates of both sides and the accused person.

It is

O R D E R E D

That the accused person namely **Giridhari Maity** is found not guilty of the offence U/Sec. 279/338/304A of I.P.C and thus, he is acquitted U/Sec 255(1) Cr.P.C.

G.R Case No. 171/2015 be and same is hereby disposed of on contest.

Release the accused person at once.

Let the surety be discharged from his bail bond(s).

Seized alamats, if any, be disposed of after appeal period is over.

Note in the T.R.

Judgment delivered in separate sheets be kept with the record.

Dic. & Corr. by me

C.J.M, Tamluk

Chief Judicial Magistrate,
Tamluk, Purba Medinipur
(WB01151)