

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, CALCUTTA

Present : Smt. Payel Banerjee, [J.O Code: WB01117]

Chief Judicial Magistrate, Calcutta.

[Date of the Judgement: 18.06.2026]

[Case No. GR/1353/2022]

T.R No. 27/2024

Reg. No. GRS/1353/2022

CNR No. WBCS02-146902-2022

(FIR No.312/2022 dt.19.11.2022, U/s.419/420/120B of IPC, Police Station- Hare
Street)

COMPLAINANT	STATE
REPRESENTED BY	RADHANATH RANG, ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	1.ARUN KUMAR MAHATA, S/O-BANKIM MAHATA, ADDRESS:- VILL+PO- NAHARIA (KAWA NACHNA), GOPIBALLAVPUR, P.S- BELIABERA, DIST- JHARGRAM, PIN- 721507. 2. LAXMI MAHATA C/O NALINI MAHATA, ADDRESS:- VILL+PO- NAHARIA (KAWA NACHNA), GOPIBALLAVPUR, P.S- BELIABERA, DIST- JHARGRAM, PIN- 721507.
REPRESENTED BY	PRADIP MAITY

Form No. (M) 35

Date of Offence	16.11.2022
Date of FIR	19.11.2022
Date of Charge-sheet	17.01.2024
Date of framing of charge	19.03.2024
Date of commencement of Evidence	05.07.2024
Date on which Judgement is reserved	18.06.2026
Date of the Judgement	18.06.2026
Date of the Sentencing Order, if any	Acquitted

Accused details:

Rank of the accused	Name of the Accused	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1	Arun Kumar Mahata	Surrendered on 19.03.2024	19.03.2024	419/420/120 B IPC	acquitted	N/A	NIL
2	Laxmi Mahata	Surrendered on 19.03.2024	19.03.2024	419/420/120 B IPC	acquitted	N/A	NIL

Form No. (M) 36

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Moloy Ghatak	De facto complainant
PW2	Nirupam Dutta	Investigating officer

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-1	Written complaint
2	Exhibit P-1(1)/PW-1 (with objection)	Copy of chat between the unknown person and Mr. Raghavendra Gupta
3	Exhibit P-1(2)/PW-2	Endorsement of the then O/C of Hare Street P.S
4	Exhibit P-2/PW-2	Formal FIR

B. Defence:

Sr. No.	Exhibit Number	Description
1	NIL	NIL

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	NIL	NIL

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	NIL	NIL

PROSECUTION CASE IN A NUTSHELL:

The compendium of the prosecution case, as unfolded during trial stands as follows:

Prosecution case, details apart is that on 16.11.2022 at New Secretariat Building, 1/ 2, Kiran Shankar Roy Road, Kolkata-01 some unknown miscreants formed criminal conspiracy and in pursuant to that, impersonated themselves as complainant and used the photograph and name in the whatsapp profile by using one SIM card having connection number 9775186629 and intentionally pretended himself as the petitioner and thereby tried to induce many persons including Mr. Raghavendra Gupta, Chairman, Indian Jute Mills Association, with an intention to cause wrongful loss by using the identity of the petitioner who is Hon'ble Minister-in-Charge, Department of Labour and Department of Law & Judicial, Government of West Bengal and thereby caused damage to the reputation of the complainant.

DEFENCE CASE IN NUTSHELL:

Defense case as can be captured from the cross examination of the prosecution witnesses and examination of the accused persons u/s 313 of Cr.P.C is the total denial of the prosecution case.

THE INVESTIGATION

After receiving complaint O.C. of Hare Street Police Station started this case being no. 312/2022 dated 19.11.2022 u/s 419/420/120B of the Indian Penal Code (in short IPC) was initiated against the above named accused persons, and S.I, Nirupam Dutta was endorsed with the investigation. The said I.O. of this case visited the place of occurrence, recorded the statement of the witnesses under section 161 of CrPC. When he collected sufficient evidence and a prima-facie case has been well established the I.O of this case as per the direction of

his superior submitted the Charge Sheet No. 10/2024 dated 17.01.2024 under section 419/420/120B of IPC against the accused persons.

THE CHARGE:

After considering all materials of record Charge was framed against the accused persons for offence u/s- 419/420/120B of IPC and the same was read over and explained to the accused persons in Bengali to which the accused persons pleaded not guilty and claimed to be tried vide order dated-19.03.2024.

EXAMINATION U/S 313 CR.P.C:

In their examination under section 313 of CrPC, on 18.06.2026, the accused persons denied all the allegation made against them and claimed that they are not guilty and denied to give any evidence in their support.

THE ARGUMENT:

Ld. A.P.P. argued that the prosecution witnesses failed to corroborate the story of prosecution and left the entire matter upon court for adjudication. On the other hand, Ld. Advocate for the accused persons argued that the independent witnesses did not make any incriminating allegation against the accused persons and therefore, the accused persons are liable to be acquitted.

POINTS FOR DETERMINATION:

1) Whether the accused persons committed offence punishable u/s 419/420/120B of IPC?

2) Whether the prosecution story is worth credence and whether the prosecution has been able to prove the accusations beyond reasonable doubt as against the accused persons?

DECISION WITH REASONS:

Let us scan through the evidence adduced by the prosecution in the following paragraphs in order to reach a judicially acceptable determination.

Both the points for determination are taken up for brevity of discussion.

PW-01 deposed that he filed this case against unknown persons. He proved his written complaint which was marked as Exbt.-P-1/PW-1. He stated that on 16.11.2022 he was informed by the Chairman of the IJMA Mr. Raghavendra Gupta that he received a whatsapp message purported to be from him using his photograph and informing him about the conversations made between that unknown person using his photograph and Mr. Raghavendra Gupta. He proved the copy of chat between that unknown person and Mr. Raghavendra Gupta filed with the complaint as Exhibit P-1(1)/PW-1.

The PW-02 is the IO in this case and he proved the endorsement and the formal FIR. He deposed that he did not collect any CDR. There is nothing on record to show that these accused used their phone for committing the alleged offence. No seizure has been made. No CDR has been collected to connect them with the crime.

In view of the discussion made herein and considering the above findings as a whole, this Court has no alternative but to hold that the prosecution has miserably failed to prove their case beyond all reasonable doubts and as such the accused persons deserve to be acquitted from this case.

Thus, the above points under determination are therefore answered in the negative.

Hence, it is,

ORDERED

That the accused persons namely, **Arun Kumar Mahato and Laxmi Mahato** are not found guilty for the offence punishable u/s 419/420/120B of the IPC, and they are accordingly acquitted from this case as per Section 248(1) Cr. P.C.

In terms of Section 437A of Cr.P.C the existing bail bonds of the accused persons shall remain in force for a period of 06 months with condition that they shall appear before the Higher Court as and when such court issues notice in

respect of any appeal or petition filed against the judgment. After expiry of 06 months such bail bonds shall automatically cease to operate and the accused as well as the surety/sureties would be deemed to have been discharged from such bail bonds without any further order.

Note in T.R.

The judgment is pronounced in the open Court in presence of the accused persons and given under my hand and seal of the Court today.

Dictated & Corrected
read over and explained

GR- 1353/2022
GRS- 1353/2022
(JO Code-WB01117)
CNR No.-WBCS02-146902-2022

Order dated:18.06.2026

Today is fixed for examination of accused U/S.313 of CrPC.
Accused persons are examined U/S.313 CrPC in which they denied to tender any witness in their support.
Hence, record is taken up for argument.
Heard argument in full.
Judgement will be delivered at 2.30 p.m.

D/c,

CJM, Calcutta.

Later:

18.06.2026

Record is taken up for passing judgement.
Accused persons are present.
Judgement is delivered in open Court in presence of accused.
Operative part of judgement is as follows:

Hence, it is,

O R D E R E D

That the accused persons namely, **Arun Kumar Mahato and Laxmi Mahato** are not found guilty for the offence punishable u/s 419/420/120B of the IPC, and they are accordingly acquitted from this case as per Section 248(1) Cr. P.C.

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D/c,

CJM, Calcutta.