

IN THE COURT OF THE JUDICIAL MAGISTRATE 5TH COURT, CALCUTTA

**PRESENT: NAMRATA SINGH
JO CODE: WB01139**

Date of delivery of judgment: the 04th day of February, 2025

**CASE NO.: GR-289/2009
TR NO.: 12/12**

REGISTRATION NO.: GRS-289/2009

CNR NO.: WBCS020728082009

(DETAILS OF FIR/CRIME AND POLICE STATION)

Complainant	The State of West Bengal
Represented by	Mr. Suvendu Ghosh, Ld. A.P.P.
Accused	1. Anirban Adhikari, S/o Alope Nath Adhikari, Address- 17, A.N. Paul Road, PS-Ballly, Dist-Howrah.
Represented by	Ld. Advocate Mr. Abhijit De

Date of Offence	02.02.2009
Date of FIR	02.02.2009
Date of Charge-sheet	26.12.2011
Date of framing of charges	05.08.2019
Date of commencement of evidence	21.10.2019
Date on which judgment is reserved	04.02.2025
Date of the Judgment	04.02.2025
Date of sentencing order, if any	----

Accused Details:

Rank of accused	Name of 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.PC
1.	Anirban Adhikari	03.02.2009	04.05.2009	u/s 465/467/468/474 of the IPC	Acquitted	----	----

List of prosecution/ defence/Court witnesses:

A. Prosecution:

Rank	Name	Nature of evidence
PW-1	Paramesh Kr. Chakrabarty	Independent witness
PW-2	Syed Sirajul Alam	Police witness
PW-3	A.K. Hangsa	Police witness
PW-4	Bhagirath Ghosh	Police witness

B. Defence witness, if any: NIL

C. Court witness, if any: NIL

List of prosecution/defence/Court Exhibits:

A. Prosecution:

Sr. No.	Exhibit no.	Description
1.	Exhibit-1	The complaint containing two pages
2.	Exhibit-2	The signature of PW-2 on the S/L.
3.	Exhibit-3	Formal FIR

B. Defence Exhibits: NIL

C. Court Exhibits: NIL

D. Material Objects: NIL

JUDGMENT

1. This is a case under Sections 465/467/468/474 of the Indian Penal Code (hereinafter referred to as the I.P.C; for short) against the accused person, above-named.
2. Prosecution case, details apart, is that the SI Syed Sirajul Alam, Anti-Fraud Section, DD, Lalbazar had lodged a complaint to the effect that on or before 02.02.2009, the accused entered into a criminal conspiracy with other persons

and pursuant to the said criminal conspiracy, anyhow managed to procure seventy seven fake and forged Kishan Vikash Patra, of five and a half years term, of denomination of Rs. 5,000/- each, three Voter Identity Cards including one issued by Electoral Officer, Balasure AC, Orrisa and other incriminating documents, which were seized from his possession and he could not give satisfactory reply for possessing the same.

3. On the basis of the said complaint, Hare Street P.S. (Section-G)/DD Case no. 88 dated 02.02.2009 under Sections 120B/465/467/468/474 of the I.P.C. was started. The case was taken up for investigation and after completion of the investigation, the accused person was charge-sheeted u/s 465/467/468/474 of the I.P.C. Copies of all the relevant documents were furnished to the accused. Thereafter, he was sent up to face the trial.
4. On perusal of case record, *prima facie* material u/s 465/467/468/474 of the I.P.C was found against the accused and accordingly, a formal charge u/s 465/467/468/474 of the I.P.C. was framed against the accused which was read over and explained to him to which he pleaded not guilty and claimed to be tried.
5. In course of trial, the prosecution examined four witnesses on its behalf.
6. Since, no incriminating materials appeared against the accused person from the evidence adduced by the prosecution, the personal examination of the accused u/s 313 of Cr.P.C is dispensed with.
7. No defence evidence has been adduced in this case.
8. I have heard the oral arguments advanced by both the parties.

9. POINTS FOR DETERMINATION

Whether the accused person is guilty to the charge levelled against them?

10. I have gone through the evidences available on record. My decision and reasons for my decision are discussed below:

DISCUSSION, DECISION AND REASON THEREOF:

11. In this case, prosecution was succeeded to examine four witnesses.
12. PW-1 in his examination in chief deposed that on 13.02.2009 he was posted as Asst. Director of Postal Service at Yogayog Bhaban and on that day, he issued one letter to the DC, DD, Lalbazar which bears his signature.
13. He in the cross examination deposed that he does not have any personal knowledge regarding the incident of this case.
14. PW-2 in the examination in chief deposed that on 02.02.2009 he was posted as SI at Anti Fraud Section, DD Lalbazar and on such date, he received one source information and the said information was worked out with STF Kolkata and at about 16.40 hrs he along with officers mentioned in FIR such as Pulak Dutta, Nirmal Ghosh, A. K. Hangsha and others kept watch around GPO on Strand Road to work out information along with the source accompanying them and that after giving watch for some time source pointed out towards the person who was immediately intercepted and the intercepted person was searched out in presence of two persons who voluntarily gave their consent to become witnesses of search and they offered the intercepted person to search the persons of the raid team but he declined and they made search of the person of the intercepted person and during search, one plastic carry bag was found from his possession and on opening of the same, they found he was carrying 77 pieces of Kishan Vikash Patra (KVP) which were very suspicious and they made out it to be fake because it was not carrying the stamp of issuing post office and all the 77 KVPs were of amount of Rs. 5000/- each for a period of 5 ½ years and that he failed to give any satisfactory explanation regarding the possession of the said KVPs and he also failed to produce any valid documents as to the legality of his possession and there were also other documents such as electricity bills, epic cards etc. as per seizure list in the bag and over the incident, he lodged complaint before DC DD, Lalbazar which was typed by him and also bears his signature. He failed to recollect the face of the miscreant as long time have been passed. He further

deposed that he was present on the spot at the time of preparation of seizure list and he put his signature on it as a witness.

15. He in the cross examination deposed that there is movement book mentioning the entry and exit of the team from Lalbazar and no such record was along with the case record. He on questioning whether he have any document to show that he was a part of raid team, he replied that seizure list is there. He further deposed that he does not have any document to show that he was with raid team on 02.02.2009 at about 16.40 hrs. He further deposed that he cannot see the seized alamats in the courtroom and there is no document to show that the person named above accompanied him at the time of conducting raid. He denied all the suggestions put by the Ld. Defence Counsel.

16. PW-3 deposed in the examination in chief deposed that in the year 2009, he was posted as SI at DD, Anti Fraud Section and he was a part of a raid team and he cannot recollect the incident of this case.

17. His cross examination is declined by the Ld. Defence Counsel.

18. PW-4 deposed in the examination in chief that on 02.02.2009 he was posted as SI at DD, Anti Fraud Section, Lalbazar and on such date, he filled up formal FIR on the instruction of then OC which bears his signature and that the case was then endorsed to him for the purpose of investigation and that during investigation he visited PO, examined available witnesses and recorded their statements u/s 161 of CrPC and that he also collected expert opinion report and that after completion of investigation he submitted charge sheet vide CS no.485/2011 dated 26.12.2011 u/s 465/467/468/474 of IPC against accused person namely Anirban Adhikary.

19. He during the cross examination denied all the suggestions put by the Ld. Defence Counsel.

20. On appraisal of evidence on record, it transpires that the prosecution was succeeded to examine only four witnesses. On perusal of available evidence on

record, it transpires that there is no single evidence on record which can help the prosecution to establish that it was the accused person who committed the alleged crime. Therefore, prosecution has failed to prove the guilt of the accused person beyond reasonable doubt.

21. On the basis of above-made discussion, this court is hereby constrained to hold the accused person not guilty to the charge u/s 465/467/468/474 of the IPC. Consequently, the prosecution case fails and the accused person deserves an order of acquittal.

22. Hence, it is

ORDERED

that the sole accused person is found not guilty to the charge u/s 465/467/468/474 of the IPC and he is acquitted under Section 248(1) of the Cr.P.C. The accused person is hereby discharged from their bail bond/s, if any; and set at liberty forthwith. Inform the concerned Surety/ies.

Seized articles, if any, be disposed of as per law.

Let a copy of judgment be forwarded to the District Magistrate and DLSA for due intimation to the victim. Victim has a right to prefer an Appeal under proviso to section 408 of Cr.P.C and if necessary, to avail free legal assistance through the legal services authorities concern to prefer and prosecute such Appeal.

**Dictated & corrected by me,
Sd/-Namrata Singh,
JM 5th Court, Calcutta.**

**Sd/-Namrata Singh,
JM 5th Court, Calcutta.**