

<u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, CALCUTTA</u> Present : Smt. Payel Banerjee, [J.O Code: WB01117] Chief Judicial Magistrate, Calcutta. [Date of the Judgement: 17.06.2026] [Case No. GR/11/2025] T.R No. 80/2025 Reg. No. GRS/11/2025 CNR No. WBCS02-107517-2025 (FIR No. 02/2025 dt.03.01.2025, U/s. 281 of BNS, Police Station- Park Street)	
COMPLAINANT	STATE
REPRESENTED BY	RADHANATH RONGH, ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	MD. NOORUDDIN, S/O LATE MD. MURTUZA, ADDRESS: 47/D, GOMAL ZALANI KHAN ROAD, KOLKATA-39.
REPRESENTED BY	ANURAG KHAITAN

Date of Offence	03.01.2025
Date of FIR	03.01.2025
Date of Charge-sheet	31.01.2025
Date of taking plea	21.08.2025
Date of commencement of Evidence	11.11.2025
Date on which Judgement is reserved	17.06.2026
Date of the Judgement	17.06.2026

Payel Banerjee
CJM, Calcutta
Date: 17.06.2026

Date of the Sentencing Order, if any	Acquitted
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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	Md. Nooruddin	Surrendered on 06.01.2025	06.01.2025	281 of BNS	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	Brijendra Singh	Witness
PW2	Sk. Noor Jamal	De facto complainant
PW3	Premlata Singh	Witness
PW4	Swapan Kumar Koley	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,
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		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-2	Written complaint
2	Exhibit P-1(1)/PW-4	The endorsement of the then O/C of Park Street P.S
3	Exhibit P-2/PW-4	Formal FIR
4	Exhibit-P-3/PW-4	Seizure list dated 03.01.2025
5	Exhibit P-4/PW-4	Mechanical examination report

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:

The prosecution case details apart that is on 03.01.2025 at about 7:00 a.m. in the morning accused person being the driver of the private car bearing registration number WB-02AS-3605 drove the same along Park Street in a rash and negligent manner endangering human life and safety to

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others and likely to cause hurt to any other person and when reached at Vodafone crossing he dashed the complainant and fled away.

DEFENCE CASE IN NUTSHELL:

Defense case as can be captured from the cross examination of the prosecution witnesses and examination of the accused person u/s 351 BNSS is the total denial of the prosecution case.

THE INVESTIGATION

After receiving complaint O.C. of Park Street Police Station started this case being no. 02/2025 dated 03.01.2025 u/s 281 of the Bharatiya Nyaya Sanhita, 2023 (in short BNS) was initiated against the above named accused person, and S.I, Swapan Kumar Koley 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 180 of BNSS. 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. 11/2025 dated 31.01.2025 under section 281 of the BNS against the accused person.

THE PLEA:

After hearing the Learned Additional Public Prosecutor for the State as well as Learned Defence Counsel, substance of the accusations for the offence punishable u/s 281 of the BNS were read over and explained to the accused person in Bengali to which the accused person pleaded not guilty and claimed to be tried vide order dated on 21.08.2025. Accordingly, he was put on trial.

EXAMINATION U/S 351 BNSS:

In his examination under section 351 of BNSS, on 17.06.2026, the accused person denied all the allegation made against him and claimed that he is not guilty and denied to give any evidence in his 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 person argued that the independent witnesses did not make any incriminating allegation against the accused person and therefore, the accused person is liable to be acquitted.

POINTS FOR DETERMINATION:

1) Whether the accused person committed offence punishable u/s 281 of the BNS?

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 person?

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.

The PW-01 deposed that he could not recollect the incident and only saw a gathering of police, public and car. The PW-03 also deposed that she had been for a morning walk and saw a gathering at Park Street more but she did not know anything about the incident and did not see also anything.

The PW-02 deposed that he was standing at the side of a road when a private car dashed him for which he fell down and got injured. He could say the registration number of the vehicle but could not say who was driving the said vehicle. The identification of the accused as a driver could not be made

out.

The PW-04 is the IO and deposed regarding his official course of duty. He could not lend any support to the prosecution case. He could not say the model of the vehicle that was seized or the number.

From the evidence of the witnesses, I find that the seizure has not been proved, the involvement of this accused with the offence could not be proved from the evidence of the witnesses.

Prosecution has seized the offending vehicle as well as its documents to establish the ownership of the private car. But prosecution has not brought the owner of the offending vehicle to ascertain that this vehicle actually caused accident on the relevant date and time of incident or not.

Considering the evidences brought forward by prosecution, it appears that the prosecution story is not corroborated by any witnesses. After scrutinizing the evidence garnered on record I find no incriminating evidence against the accused person.

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 person 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 person namely Md. Nooruddin is not found guilty for the offence punishable u/s 281 of the BNS, and he is accordingly acquitted from this case as per Section 278(1) BNSS.

In terms of Section 437A of Cr.P.C the existing bail bond of the the accused person shall remain in force for a period of 06 months with condition that he 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 bond shall automatically seize 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 person and given under my hand and seal of the Court today.

Dictated & Corrected
read over and explained

GR- 11/2025
GRS- 11/2025
(JO Code-WB01117)
CNR No.-WBCS02-107517-2025

Order dated: 17.06.2026

Today is fixed for examination of accused U/S.351 of BNSS.

Accused person is present.

Accused person is examined U/S.351 BNSS in which he denied to tender any witness in his 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:

17.06.2026

Record is taken up for passing judgement.

Accused person is present.

Judgement is delivered in open Court in presence of accused.

Operative part of judgement is as follows:

Hence, it is

Ordered,

That the accused person namely Md. Nooruddin is not found guilty for the offence punishable u/s 281 of the BNS, and he is accordingly acquitted from this case as per Section 278(1) BNSS.

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D/c,

CJM, Calcutta.

Payel Banerjee
CJM, Calcutta
Date: 17.06.2026