

<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: 18.06.2026] [Case No. GR/545/2025] T.R No.205/2025 Reg. No. GRS/545/2025 CNR No. WBCS02-264087-2025 (FIR No.56 dt. 06.06.2025, U/s.126(2)/115(2)/351(2) of BNS, Police Station- Hastings)	
COMPLAINANT	STATE
REPRESENTED BY	RADHANATH RONG, ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	ABHISHEK RAI, S/O KANCHAN RAI, ADDRESS: 2/H/3, HOSPITAL LANE, P.S- HASTINGS, KOLKATA-22.
REPRESENTED BY	S S ROY

Date of Offence	03.06.2025
Date of FIR	06.06.2025
Date of Charge-sheet	06.07.2025
Date of framing of charge	12.12.2025
Date of commencement of Evidence	19.02.2026
Date on which Judgement is reserved	18.06.2026
Date of the Judgement	18.06.2026

Payel Banerjee
CJM, Calcutta
Date:18.06.2026

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	Abhishek Rai	Surrendered on 21.06.2025	21.06.2025	126(2)/115(2)/351(2)/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	Stephen Lakra	De facto complainant

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	The signature of witness on the written complaint

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, in short is that on 03.06.2025 at around 7:00 p.m. in the evening when complainant was departing from the depot through Uber cab alongwith some depot contractual staff, a group fo 20-25 unidentified persons led by one former depot contractual labour namely Abhishek Rai stopped the Uber cab outside the depot main gate and started abusing him. Some persons from that group also heckled him. During that scuffle de facto complainant suffered minor injury and some office colleague came for rescue him and he immediately ran inside the depot for safety and called some other depot staff for help. Thereafter, he returned home by depot car and after reaching home, he went to T.L Jaiswal Hospital, Liluah for medical

treatment as he was getting pain.

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 of BNSS is the total denial of the prosecution case.

THE INVESTIGATION

After receiving complaint O.C. of Hastings Police Station started this case being no. 56 dated 06.06.2025 u/s 126(2)/115(2)/351(2) of Bharatiya Nyaya Sanhita (in short BNS) was initiated against the above named accused person, and S.I, Srithidhar Mahato 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 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. 49/2025 dated 06.07.2025 under section 126(2)/115(2)/351(2) of 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 126(2)/115(2)/351(2) of 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 12.12.2025. Accordingly, he was put on trial.

EXAMINATION U/S 351 BNSS:

In his examination under section 351 of BNSS, on 18.06.2026, 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 offences punishable u/s 126(2)/115(2)/351(2) of 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.

P.W-1, Stephen Lakra in his evidence stated that he filed this case against Abhishek Rai. He proved his signature on the written complaint. He cannot recollect the date and time of incident and anything about the contents of the complaint. He further deposed that there was some misunderstanding for which he filed this case. In his cross-examination PW-01 categorically deposed that he deposed voluntarily.

We know FIR is the most important document in prosecution case. FIR in a criminal case is required to be corroborated by evidences brought before the court by prosecution. In our case the prosecution has failed to corroborate the FIR which undoubtedly weakens the case of prosecution.

On perusal of entire evidence of this case the first thing which draws my attention is that the defacto complainant himself failed to corroborate the prosecution story and prosecution failed to bring any other independent witness to prove its case. As such, the prosecution story is not corroborated by the defacto complainant or victim or any eye witnesses.

It also appears from the record that the incident occurred on 03.06.2025 although the formal FIR was lodged on 06.06.2025. There is no explanation regarding delay in lodging FIR. Longer delay gives rise stronger suspicion that the FIR is afterthought, concocted and unworthy in credit unless such delay in lodging the FIR is properly explained. In our case prosecution has failed to explain such inordinate delay of 03 days in lodging the FIR.

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,

O R D E R E D

That the accused person namely, Abhishek Rai is not found guilty for the offence punishable u/s 126(2)/115(2)/351(2) of 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 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- 545/2025

GRS- 545/2025

CNR No.- WBCS02-264087-2025

(Present : Payel Banerjee JO Code-WB01117)

Order dated: 18.06.2026

Today is fixed for evidence.

Accused person is present by filing hazira.

Summons upon CSW-01 returned after service.

One witness namely Stephen Lakra is examined and cross-examined in full and discharged as PW-1.

Ld. APP prayed for closure of evidence.

Heard Ld. Advocate of accused.

Considering submission of both sides and nature of evidence adduced, it is ordered that, prosecution evidence is closed.

Record is now taken up for examination of accused U/S.351 of BNSS.

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:

18.06.2026

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,

O R D E R E D

That the accused person namely, Abhishek Rai is not found guilty for the offence punishable u/s 126(2)/115(2)/351(2) of BNS and he is accordingly acquitted from this case as per Section 278(1) BNSS.

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D/c,

CJM, Calcutta.