

Order No: 95

Dated: 30.03.2026

Today is fixed for examination of accused u/s 313 CrPC.

All the accused persons namely Biren Tamang, Sujal Rai, Jagadish Baraily, Binay Mukhia, Sahadew Subba, Ram Rai, Ranhang Limbu, Sashi Doma Rai, Buddhimaya Subba, Neena Chettri, Babuni Chettri, Sarmila Chettri, Satish Pokhrel and Pasang Tamang on court bail are present by filing hazira.

The Ld. defence lawyer and the Ld. APP are present.

The record is taken up for examination of accused persons u/s 313 CrPC

The accused person are examined u/s 313 CrPC in separate sheet and it is kept with the record.

The accused declined to adduce D/W.

Now the case record is taken up for hearing argument.

Heard argument both the sides.

Judgment will be pronounced after recess.

D & C by me

Chief Judicial Magistrate,

Darjeeling

Chief Judicial Magistrate

Darjeeling

Later:

Both sides are present on call.

The accused persons are also present.

Judgment is ready in nine separate sheets and pronounced in open Court.

The operative portion of the Judgment is as follows:

Hence it is,

ORDERED

that the accused persons namely Biren Tamang, Sujal Rai, Jagadish Baraily, Binay Mukhia, Sahadew Subba, Ram Rai, Ranhang Limbu, Sashi Doma Rai, Buddhimaya Subba, Neena Chettri, Babuni Chettri, Sarmila Chettri, Satish Pokhrel and Pasang Tamang are found not guilty to the alleged offences u/s 143/186 IPC and as such the accused persons are acquitted from this case u/s 255(1) CrPC.

Seized articles if any be disposed of as per law after the appeal period is over.

The bail bond which was filed on behalf of the accused persons stands extended for a period of six months from today.

Such bail bond shall be governed by the provisions of section 437A of the Cr.P.C.

Be it mentioned that in this case the defacto complainant, being the PW1 has a right to prefer an appeal under the proviso to section 372 of the Code of Criminal Procedure and, if necessary, to avail free legal assistance through the Legal Services Authorities concerned to prefer and prosecute such appeal.

Copies of this Judgment be forwarded to the District Magistrate, Darjeeling, and the Learned Secretary, D.L.S.A., Darjeeling, for due intimation to the victim about such right.

Note in TR and upload the judgment in the CIS at once.

Dictated and corrected by me:

(Amar Chandra Das)

Chief Judicial Magistrate,

Darjeeling.

(Amar Chandra Das)

Chief Judicial Magistrate,

Darjeeling.