

Form No (M) 34

FORM A

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DARJEELING Present : Shri Amar Chandra Das Chief Judicial Magistrate, Darjeeling Date of the Judgment : 17.03.2026 G.R. Case No. 207 of 2025 Reg. No. 245 of 2025 T.R. No. 166 of 2025 CNR: WBDJ020023122025 Sadar PS Case No. 98 of 2025 dated 07.09.2025 u/s 329(4)/115(2)/74 of BNS	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	NAME OF THE ADVOCATE/APP: SRI. CHAMAN RAI
ACCUSED	NAME WITH ALL PARTICULARS (A1): 1. Sanjeev Chhetri, S/o Arjun Chhetri, R/o 19th Hill Cart Road, Near Hooker Road, PS Sadar, Dist. Darjeeling
REPRESENTED BY	NAME OF THE ADVOCATES: Ms. Shridika Lakandri

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FORM B

Date of Offence	06.09.2025
Date of FIR	07.09.2025
Date of Charge-sheet	30.10.2025
Date of Framing of Charges/ Plea	12.12.2025
Date of commencement of Evidence	13.03.2026
Date on which Judgment is reserved	17.03.2026
Date of the Judgment	17.03.2026
Date of the Sentencing Order, if any	NA

Accused details :

Rank of the Accused	Name of Accused	Date of arrest/surrender	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.	Sanjeev Chhetri	10.09.2025	23.09.2025	u/s 329(4)/115(2)/74 BNS	Acquitted	NA	NA

J U D G E M E N T

On the basis of the written complaint lodged by one Sushma Lama the then I/C Sadar P.S. Darjeeling started the instant case vide no. 98 of 2025 dated 07.09.2025 u/s 329(4)/115(2)/74 BNS against the accused person namely Sanjeev Chhetri. After completion of investigation, a charge-sheet was submitted by the I.O against the FIR accused person u/s 329(4)/115(2)/74 BNS. Accordingly, after taking cognizance against the charge-sheeted accused person, the instant case was transferred to the personal file for disposal on 06.12.2025.

CASE HISTORY

The factual matrix of the prosecution case in brief is that on 06.09.2025 at around 21.30 hrs the accused person entered into the house of the complainant and tried to assault and molest her. Hence this case.

CHARGE AND TRIAL

The charge-sheeted accused person namely Sanjeev Chhetri was examined u/s 274 of BNSS and the contents of the allegations u/s 329(4)/115(2)/74 BNS was read over and explained to him and he pleaded not guilty by saying “kasur chaina” and claimed for trial. Accordingly, the prosecution was directed to produce the witnesses in order to prove the allegations.

During the course of proceedings, the prosecution could examine one witness out of total six charge-sheeted witnesses and cross-examined in full :-

PW1Sushma Lama (Defacto complainant)

The prosecution adduced document in support of the prosecution case as:

Ex.P-1/PW1 FIR

Not a single document has been produced on behalf of the defence.

At the conclusion of the trial, the accused person was examined u/s 351 of BNSS and his detailed answers are recorded in separate sheets and kept in the record. As the accused person declined to adduce any defence witness on his behalf, the matter was heard in argument from both sides at length.

POINTS FOR DETERMINATION

1. Whether the prosecution been able to prove the charge u/s 329(4)/115(2)/74 BNS against the accused person?
2. Whether the prosecution been able to prove the guilt of the accused person beyond a reasonable doubt?

EVALUATION OF THE PROSECUTION EVIDENCES

The prosecution has been able to produce examine one witness, the de-facto complainant out of six charge-sheeted witnesses. The Ld. APP representing the prosecution case, claimed that the prosecution witness have been able to prove the case beyond the shadow of reasonable doubt and prays for conviction of the accused person facing trial.

On the other hand the Ld. Advocate for the defence side claims that the prosecution has failed to prove his case beyond the shadow of reasonable doubt and pleads for acquittal of the accused person from this case.

Both the points are taken up together for their effective determination as they are connected with each other and will assist in arriving at the just determination of this case.

Let us discuss to find out how far the prosecution has been able to prove his case against the accused person. The prosecution has been able to examine the complainant in this case in order to prove the alleged offences charged against the accused person.

Heard argument from both sides.

Now let us discuss how far the prosecution has been able to prove the case.

PW1 Sushma Lama stated that in the month of September 2025 the accused entered into her house when she was not present. Seeing entering her house the villagers caught hold of the accused and handed him to the police. She proved the FIR which has been marked as **Ext P-1/PW1**.

In her cross examination she stated that she do not know anything about the incident.

Therefore on scanning the materials placed before this Court in the form of oral and documentary evidence, this Court finds that although the de facto complainant had made a serious allegation against the accused person in the written complaint but she retracted herself from uttering a single word against the accused person in her deposition, she withhold herself reasons best known to her. There is clear vast deviation from her version made in FIR and deposition made before the court which created a strong suspicion over the mind of the court regrading the actual happening of the alleged incident. Furthermore she has stated in her cross examination that she do not have any knowledge about the incident of this case.

This case clearly lacks of sufficient evidence to prove the guilt of the accused person beyond reasonable doubt for his conviction.

In view of the aforesaid evidence I hold that the prosecution has been unable to make out any case against the accused person. As a result the aforesaid points are decided against the prosecution.

Hence, it is,

ORDERED

that the accused person, namely Sanjeev Chhetri is acquitted, under section 278(1) of the BNSS from the charge u/s 329(4)/115(2)/74 of BNS.

Seized alat if any be returned to its actual owner after the appellate period is over.

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

Such bail bond shall be governed by the provisions of section 481 BNSS.

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 413 BNSS 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 relevant register and CIS.

Dictated and corrected by me:

(Amar Chandra Das)
Chief Judicial Magistrate,
Darjeeling.

(Amar Chandra Das)
Chief Judicial Magistrate,
Darjeeling.
UID No.WB01231

APPENDIX

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Form C

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	Sushma Lama	Defacto complainant

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**B. Defence Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1		
DW2		

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		
CW2		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.		Description
1	Exhibit-P-1/PW1	FIR

B. Defence :

Sr. No.		Description
1	Exhibit D-1/DW1	
2	Exhibit D-2/DW2	

C. Court Exhibits :

Sr. No.		Description
1	Exhibit C-1/CW1	
2	Exhibit C-2/CW2	

D. Material Objects :

Sr. No.	Material Object Number	Description
1	MO 1	

(AMAR CHANDRA DAS)
Chief Judicial Magistrate,
Darjeeling
JO Code WB01231