

Form A

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KURSEONG, DARJEELING	
Present : TANMOY ROY (ACJM, KURSEONG)	
Date of the Judgment : 06.08.2026	
Case No. GR. 132/2025 CIS No.GR 77/2026 CNR No. WBDJ05-000181-2025	
(Details of FIR /Crime and Police Station) Kurseong PS Case No. 155, dated 06.10.2025	
Complainant	Premendra Gurung
REPRESENTED	Ld. APP Saroj Sinha
ACCUSED	Amir Singh
REPRESENTED BY	Ld Advocate H.W. Lama

FORM B

Date of Offence	06.10.2025
Date of FIR	06.10.2025
Date of Charge-sheet	29.11.2025
Date of Framing of Charges/Plea	22.12.2025
Date of commencement of Evidence	23.06.2026
Date on which Judgment is reserved	N.A.
Date of the Judgment	06.08.2026
Date of the Sentencing Order, if any	Acquitted

Accused details

Rank of the 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.P.C.
1	Amir Singh Sunwar @ Amir Singh	N/A	30.10.2025	351(2) / 351(3) / 356(2) / 356(3) of BNS	Acquitted	N.A.	N.A.

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)
PW 1	Premendra Gurung	Defacto Complainant
PW 2	Sadarthi Gurung	CS Witness
PW-3	Pratik Tamang	CS Witness

B. Defence witnesses, if any: None.

C. Defence witnesses, if any: None.

LIST OF PROSECUTION /DEFENCE /COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P1/PW1	The written complaint

B. Defence: None.

C. Court Exhibits: None.

D. Material objects: None.

Factual back drop of the case:

The prosecution case arises on receipt of written complaint from Premendra Gurung, S/O Late. S.M Gurung of P.B Road, PO+PS-Kurseong, District- Darjeeling to the effect on 05.10.2025 one Amir Singh resident of Karbir Busty, PO+PS- Kurseong, District- Darjeeling has uploaded multiple videos on Facebook and in the said videos Amir Singh has verbally abused complainant using extremely derogatory, vulgar and indecent language coupled with false, baseless and malicious allegation. Accused person also openly issued threats to assault and kill the complainant and due to which serious mental agony and fear caused to the complainant. Accordingly DC Premendra Gurung filed the present case.

On the basis of the complaint Kurseong P.S. case no.-155/2025 dated 06.10.2025 investigation commenced. After completion of investigation, the I/O of this case filed charge-sheet against the accused persons u/s 351(2) / 351(3) / 356(2) / 356(3) of BNS.

After charge-sheet being filed, the Ld. ACJM, Kurseong took cognizance of the same and the case record was transferred to this court for trial and disposal.

Plea

After the case record being transferred to this court, this court examined the accused person u/s 274 of BNSS and he pleaded not guilty and claimed to be tried. After considering the prima-facie materials on record, this court framed plea u/s 351(2) / 351(3) / 356(2) / 356(3) of BNS against the accused person.

Commencement of trial and examination of the accused persons u/s 351 of BNSS

After charge is framed, the trial commenced by taking evidence of prosecution witnesses. After completion of evidence, the accused person was

examined u/s 351 of BNSS and he pleaded innocence for the second time and claimed that he is not guilty. But he stated that he is not going to give any evidences from his side.

Evidences Adduced:

Following evidences/witnesses has been from the prosecution side:-

Premendra Gurung	Defacto Complainant
Sadarthi Gurung	CS Witness
Pratik Tamang	CS Witness

Points For Consideration

- 1) Whether the accused person has committed the offense u/s 351(2) / 351(3) / 356(2) / 356(3) of BNS ?
- 2) Whether the prosecution has proved the guilt of the accused person beyond reasonable shadow of doubt?.

Decision With Reasons

Prosecution has to established the guilt of the accused person by dint of corroborating evidence.

Delving into the discussion of the merit of the present case, it is important to evaluate the material evidence on record.

PW 1 Premendra Gurung in his evidence stated he has filed the present complaint against the accused person and on perusal of the written complaint he further stated on dock that such was written under his instruction and advice and also bears his signature, was marked as Exhibit P1/PW1.

PW 1 during his cross-examination deposed that he has filed the complaint due to misunderstanding with the accused person and presently he does not have any allegation against the accused person. He also stated that he does not have any objection if the accused person is acquitted from this case.

PW-2 Sadarthi Gurung and PW-3 Pratik Tamang deposed in their evidence that their father and relative respectively has filed the complaint against the accused person but they do not remember the contents of the complaint at present.

PW 2 Sadarthi Gurung and PW-3 Pratik Tamang during their cross-examination deposed that the present complaint was filed and they do not have any allegation against the accused person at present. Further they both stated that they do not have any objection if the accused person is acquitted from this case.

From the evidence of PW-1, the defacto complainant and victim of this case, it is clear that the present case is an outcome of misunderstanding in between DC and accused person. If this is so the evidence on record and considering such I am opined that the present case is nothing but a mere misunderstanding in between the parties. Further no incriminating materials has been found against the accused person from the evidence on record.

Accordingly, the prosecution case lose its gravity and both the points for consideration are determined against the prosecution.

Hence, it is,

ORDERED

that the accused persons namely Amir Singh Sunwar @ Amir Singh is found not guilty of the offense under Section u/s 351(2) / 351(3) / 356(2) / 356(3) of BNS.

That the accused person is acquitted in terms of Section 278(1) of BNSS.

The accused person be released from his bail bond respectively.

Surety is discharged from his liability.

Seized alat if any, be disposed off after the expiry of period of appeal.

Seized documents, if any, be returned to the accused person.

Let a copy of this order be sent to District Magistrate, Darjeeling as per direction of Hon'ble Calcutta High Court in the case of Sabitri Bhunya vs The State of WB and Others.

Copy of order be also sent to Chairman, SDLSC, Kurseong as per direction of Hon'ble Court in above referred case and also as per direction of Chairman, DLSA, Darjeeling.

The case is disposes off.

Note in register and CIS.

Dictated and corrected by me

ACJM, Kurseong

**(Tanmoy Roy)
ACJM, Kurseong
J.O. Code WB01288**