

Form A

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KURSEONG, DARJEELING	
Present : TANMOY ROY (ACJM, KURSEONG)	
Date of the Judgment : 07.07.2026	
Case No. GR. 154/2025 CIS No.GR 11/2026 CNR No. WBDJ05-000190-2025	
(Details of FIR /Crime and Police Station) Kurseong PS Case No. 177/2025, dated 15.11.2025	
Complainant	Sankar Roy
REPRESENTED	Ld. APP Saroj Sinha
ACCUSED	Anish Chettri
REPRESENTED BY	Ld. Adv. D. N. Bhutia

FORM B

Date of Offence	15.11.2025
Date of FIR	15.11.2025
Date of Charge-sheet	23.11.2025
Date of Framing of Charges/Plea	30.01.2026
Date of commencement of Evidence	23.06.2026
Date on which Judgment is reserved	N.A.
Date of the Judgment	07.07.2026
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	Anish Chettri	N/A	19.11.2025	115(2) / 126(2) / 351(2) 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	Ranu Chettri	CS Witness
PW-2	Goma Chettri	CS Witness
PW-3	Abishek Chettri	CS Witness
PW-4	Saroj Chettri	Defacto Complainant

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/PW4	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 on 15.11.2025 from Saroj Chettri, S/O Padam Bahadur Chettri of Mahanadi Bazar, PO & PS: Kurseong to the effect that on 15.11.2025 at about 10:30 Hrs when he was returning from Mahanadi, one person who was known as Anish Chettri came neat to him in drunken condition and under the influence of drug assaulted him with fists and blows and also threatened him with dire consequences. On the basis of the complaint Kurseong P.S. case no.-177/2025 dated 15.11.2025 investigation commenced. After completion of investigation, the I/O of this case filed charge-sheet against the accused persons u/s 115(2) / 126(2) / 351(2) 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 prim-facie materials on record, this court framed formal plea u/s 115(2) / 126(2) / 351(2) 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 they he is not going to give any evidences from his side.

Evidences Adduced:

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

Ranu Chettri	CS Witness
Goma Chettri	CS Witness
Abishek Chettri	CS Witness
Saroj Chettri	Defacto Complainant

Points For Consideration

- 1) Whether the accused person has committed the offense u/s 115(2) / 126(2) / 351(2) 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 Ranu Chettri, PW-2 Goma Chettri and PW-3 Abishek Chettri in their evidence stated that they all know the defacto complainant of this case but they don't know the contents of the complaint in detail.

During cross examination PW-1 Ranu Chettri, PW-2 Goma Chettri and PW-3 Abishek Chettri stated that It my possible that defacto complainant filed the complaint against the accused person due to misunderstanding with the accused person.

PW 4 Saroj Chettri in his evidence stated he filed the present complaint against the accused person and on perusal of the written complaint he further stated on dock that such was written by as per his instruction and advice bearing his signature, was marked as Exbt. P-1/PW1.

PW 4 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.

From the evidence of PW-4 (DC) and other witnesses on record, 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 Anish Chettri found not guilty of the offense under Section 115(2) / 126(2) / 351(2) 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 of 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**