

Form-A

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT KURSEONG DISTRICT-DARJEELING.	
Present : TANMOY ROY Additional Chief Judicial Magistrate, Kurseong	
Date of the Judgment : 20.06.2026	
Case No. GR. 47 of 2024 CIS No. 320 of 2024 CNR No. WBDJ05000529-2025	
(Details of FIR /Crime and Police Station) Kurseong PS Case No. 40/24, dated 03.04.2024	
COMPLAINANT	Bandana Sundas
REPRESENTED BY	Ld. APP Saroj Sinha
ACCUSED	01. Deep Lama
REPRESENTED BY	Ld. Adv. H.W. Lama

FORM B

Date of Offence	02.04.2024
Date of FIR	03.04.2024
Date of Charge-sheet	31.05.2024
Date of Framing of Charges/Plea	29.01.2026
Date of commencement of Evidence	20.05.2026
Date on which Judgment is reserved	NA
Date of the Judgment	20.06.2026
Date of the Sentencing Order, if any	NA

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.
01	Deep Lama	11.12.25	11.12.25	354 IPC	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	Bandana Sundas	Defacto complainant
PW 2	Safiqur Rahaman Khan	Witness

B. Defence witnesses, if any: None.

C. Defence witnesses, if any: None.

LIST OF PROSECUTION /DEFENCE /COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
01	Exhibit: P1/PW1	Written Complaint

B. Defence: None.

C. Court Exhibits: None.

D. Material objects: None.

Factual back drop of the case:

The nutshell of the present case is that Bandana Sundas lodged a written complaint on 02.04.2024 at about 17.25 Hrs while she and her uncle were coming from Kurseong to Siliguri by a Sumo Vehicle being registration no. WB 76-9491, the driver of the said vehicle misbehaved with the complainant and force the complainant and her uncle to deboard from the vehicle over the issue of fare and dropped them at Sirubari Jungle area.

On the basis of the written complaint Kurseong P.S. case no.- 40/24 dated 03.04.2024 has been initiated. After completion of investigation, the I/O of this case filed Charge Sheet u/s- 354 IPC.

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.

Charge

After the case record being transferred to this court, this court examined the accused persons u/s 240 of Cr.P.C. and he pleaded not guilty and claimed to be tried. After considering the prima-facie materials on record, this court framed formal charge u/s 354 IPC against the accused person.

Commencement of trial and examination of the accused person u/s 313 of Cr.P.C.

After charge is framed, the trial commenced by taking evidence of prosecution witnesses. After completion of evidence, the accused person was examined u/s 313 of Cr.P.C. and he pleaded innocence for the second time and claimed that he is not guilty. But he stated he is not going to give any evidence from his side.

Evidences Adduced:

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

PW 1	Bandana Sundas	Defacto complainant
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PW 2	Safiqur Rahaman Khan	Witness
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Points For Consideration

- 1) Whether the accused person has committed the offense 354 of IPC ?
- 2) Whether the prosecution has proved the guilt of the accused persons beyond reasonable shadow of doubt?

Decision With Reasons

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

PW 01 Bandana Sundas deposed in her evidence stated he lodged the FIR at IC, Kurseng PS against the accused. On being identified the the written complaint was marked as Exbt. P1/PW1.

During her cross examination it has came out that she filed the FIR over misunderstanding. She further stated that she does not remember the content of the complaint. She further stated that she does not have any allegation if the accused got acquittal.

PW 2 Safiqur Rahman Khan deposed in his examination in chief that DC is know to him. He further stated that he does not remember the contents of the complaint at present.

During his cross examination it has came out that he admitted the fact that DC has filed the present due to misunderstanding with the accused person and he has no allegation against the accused and also does not have any objection if the accused got acquittal from this case.

From the evidence of PW-1, the defacto complainant 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 persons 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 person Deep Lama found not guilty and accordingly acquitted u/s 248(1) of Cr.P.C.

The accused person be released from his bail bonds.

Surety is discharged from their 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 disposed off.

Note in register and CIS.

Dictated and corrected by me

ACJM, Kurseong

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