

In the Court of the Judicial Magistrate, 1st Court, Uluberia, District: Howrah PRESENT: AKASH BOSE (U.I.D.WBJ01491) Judicial Magistrate, 1st Court, Uluberia, Howrah (Under Section 140(3) of BNS) (T.R. No 930 of 2025) DATE OF JUDGMENT: 22nd DAY OF JUNE, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP ASIT KUMAR HAIT
ACCUSED	A-1. LAXMIKANTA KUMIR OF VILL – TALSARI PASCHIM BAINAN, PS – BAGNAN, DIST – HOWRAH.
REPRESENTED BY	BUDHADIDTTYA MUKHERJEE, SAHANA BANU & SK HASANUR RAHAMAN
Date of Offence	02/08/2024
Date of FIR	04/08/2024
Date of Chargesheet	31/10/2024
Date of Framing of Charge / plea	16/12/2025
Date of commencement of Evidence	02/06/2026
Date on which Judgment is reserved	22/06/2026
Date of Judgment	22/06/2026
Date of Sentencing Order, if any	NIL

ACCUSED DETAILS							
Rank of the Accused	Name of the 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.
A-1	LAXMIKANTA KUMIR	Surrendered on 29.08.2024	Released on 29.08.2024	140(3) of BNS	Acquitted	N/A	N/A
LIST OF PROSECUTION WITNESS							
RANK		NAME		NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)			
PW1		Ramkrishna Malik		DEFACTO COMPLAINANT			
PW2		Papiya Malik		WITNESS			
PW3		Prithika Malik		OTHER WITNESS			

LIST OF DEFENCE WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF COURT WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL
LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
01	P1/PW1	Signature of Complaint
02	P2/PW1	Signature upon the formal FIR

LIST OF DEFENCE EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF COURT EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF MATERIAL OBJECTS		
Sl. No.	Material Object Number	Description
	NIL	NIL

POINTS FOR DETERMINATION

- i) Whether the accused person has committed offence punishable under Sections **140(3) of BNS** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **140(3) of BNS** against the accused person ?

DECISION WITH REASONS

- 1 . Both the points are taken up together for convenience of discussions and to avoid repetition.
- 2 . The instant case was initiated on the basis of a written complaint filed before O/C Amta PS by stating that it is alleged that on 02.08.2024 at about 18.30 hrs, the daughter of defacto complainant went to tuition and come out from her house but since then she was missing and did not come back in her house. The complainant searched several places for her but nothing fruitful arrived. Being aggrieved the instant complaint was lodged before concerned PS for further relief.
- 3 . On the basis of such written complaint vide Amta PS Case no – 151/2024, dated 04.08.2024 under Sections **137(2)/140(3) of BNS** was initiated against the accused person A-1 and police took up investigation in the case.
- 4 . The I/O of this case, namely PSI Biswajit Roy of Chandrapur OP under Amta PS upon completion of the investigation submitted Charge-Sheet being No. 238/2024, dated 31.10.2024 under Sections **137(2)/140(3) of BNS** against the accused person A-1 in compliance with section 173(5) of the Code of Criminal Procedure.
- 5 . On receipt of the Charge-Sheet, the then Ld. A.C.J.M., Uluberia, took cognizance of the offence and after complying the provisions of Section 207 of the Code of Criminal Procedure, transferred the case to this court for trial and final disposal vide order dated 06.11.2025.
- 6 . On consideration of the materials on record and on hearing the Ld. A.P.P and the Ld. Counsel for the defence, charge was framed against the accused persons for the offences punishable under Sections **140(3) of BNS** to which each of them claimed to be NOT GUILTY and pleaded to be tried and hence the trial commenced.
- 6 . Out of the eight (08) prosecution witnesses named in the charge-sheet, the prosecution examined complainant as PW-1 and other two witnesses as PW-2

and PW-3.

7. Now before entering into the merit of the prosecution case, this Court would like to reiterate the cardinal principle of criminal law and justice that the prosecution has to establish its case beyond all reasonable doubt. Through the testimony of the witnesses fortified by documentary proof, the prosecution has to build or form a chain of circumstances and the same should be so complete that there is no escape from the conclusion that within all probability the crime was committed by the accused person and none else and the evidence is consistent with the guilt of the accused person and inconsistent with the plea of innocence. There must be clear and unequivocal proof of the *corpus delicti*.
8. PW-1/CSW-1 namely Ramkrishna Malik has appeared on dock and stated that he has filed this case against the accused Laxmikanta Kumir @ Sourav and he is present today. The said complainant further identified his signatures upon the complaint. Let it be marked as Ext – P1/PW1 and identified his signature upon formal FIR which is marked as Ext – P2/PW1. The said witness on dock has stated that he does not know regarding the alleged incident. During cross examination, the witness did not state any material facts against the accused. Further, the PW-2 namely Prithika Malik who is the main victim of this case is appeared and admitted that her father has filed this case against the accused but she has nothing to say against the accused person and she further admitted that she married with the accused person and presently residing with her. Then another witness namely PW3 who is the wife of complainant namely Papiya Malik appeared on dock and examined in full and discharged. At the time of deposition, the said witness admitted that her husband has filed this case against the accused who is her son in law and presently she has nothing to say against the accused person.
Then PW evidence stands closed as per verbal submission made by Ld APP.
Perusing the record and materials for the proper adjudication, the verbal prayer of Ld APP to close the prosecution evidence is hereby closed.
9. Considering the trend of deposition of PW-1 to PW-3, Ld. APP prayed for closing the evidence of the other witnesses in connection with this case and accordingly the prayer was allowed and evidence for the prosecution was closed on 02.06.2026 and due to lack of inculpatory statement of PWs and after that 313 has been given by all the accused on 22.06.2026. After discharge, the prosecution witness as per prayer of Ld APP, I perused all the record and evidences and from bare perusal of the aforesaid document, I find that no such inculpatory material arise against the accused and thus if the 313 will be taken on same date, it would not be infringed or breach of justice.
10. From the thorough study and scrutiny of the evidence on record and also in the light of the arguments put forward by the Ld. APP and the Ld. Counsel for the defence, it is clear that the witnesses have failed to corroborate the complaint and the case and allegations leveled against the accused person

in totality. None of the witnesses were successful in fully corroborating the FIR or naming or identifying the accused person. From the above deposition, it is appeared before this court, there was a dispute between the both parties and the dispute is civil in nature and due to that property dispute, the above mentioned complainant has filed this case before this court out of rage and presently at the time of examining witness, the concerned person failed to state any material facts and thus after perusing the materials on record, I do not find any inculpatory materials arose from this case. Moreover, the female witness has not corroborated or did not bring any material witness before this court regarding the offences relating to woman and both the witnesses on dock have admitted that they did not remember anything regarding this case.

11. It is pertinent to refer the case of **Kathi Bharat Vajsur & Anr. Vs. State of Gujrat [(2012) 5 SCC 724]** wherein the Hon'ble Apex Court reiterated that, *"It is a well settled principle of criminal trial that the guilt of the accused must be proved beyond reasonable doubt...."* Thus, putting the case on the touchstone as narrated above, I find that the evidences cited are not awe inspiring in forming up a string of events to establish the prosecution case beyond reasonable doubt. With such state of the evidences on record this court has no hesitation to declare that the prosecution has failed to prove the charges against the accused person A-1. Accordingly, both the points for determination are decided in negative against the prosecution. Thus, the case failed and the accused person A-1 is liable to be acquitted.

DECISION THEREOF

12. Hence,

it is,

ORDERED

that the accused person A-1 is found **not guilty** of committing the offence punishable under sections **140(3) of BNS** and he is **acquitted** from this case under section 271(1) of the BNSS.

The accused person A-1 is on Court bail and he is discharged forthwith from his bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR – 1791 of 2024 (New GR – 1667 of 2025) is disposed of.

Dictated by me.

Judicial Magistrate, 1st Court
Uluberia, Howrah

Judicial Magistrate, 1st Court
Uluberia, Howrah

Case No. G.R. 1791 of 2024
CIS No. GR 1667 of 2025
CNR: WBHW12008013-2025

Case No. G.R. 1791 of 2024
CIS No. GR 1667 of 2025
CNR: WBHW12008013-2025

Order dated : 22.06.2026

Today is fixed for 313, argument and judgment if possible.

Ld APP is present.

The accused A-1 is present and files hazira.

The accused are further produce 313 today by 1 pm and argument was heard in 2.00 pm in presence of both parties.

The accused file 313 on behalf of all accused.

Let the 313 be kept with record. The accused are examined U/s 313 of Crpc they deny to adduce any evidence on their behalf.

Heard argument at 2.00 pm and judgment passed on 4.30 pm.

Both parties are directed to be remain present.

Upon consideration of the materials on record and perusing the 313 and argument submitted by both Advocate of the respective parties and thus I consider that the accused A-1 is not guilty and liable to be acquitted from this case.

Later ,

Both the parties are present.

Judgment is delivered in open court.

Judgment is written in separate sheets containing 5 pages are kept with the record.

As per judgment it is

ORDERED

that the accused person A-1 is found **not guilty** of committing the offence punishable under sections **140(3) of BNS** and he is **acquitted** from this case under section 271(1) of the BNSS.

The accused person A-1 is on Court bail and he is discharged forthwith from his bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR - 1791 of 2024 (New GR – 1667 of 2025) is disposed of.

Judgment is pronounced in open court on this 22nd day of June, 2026 at 4.30 PM.

Let a copy of this order be sent to Ld. Secretary, DLSA, Howrah.

Take a note in relevant register and cause list.

D/C by me

Akash Bose
J.M. 1st Court, Uluberia, Howrah

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