

G.R. CASE NO. 1203 of 2019
State of West Bengal Vs Sanjib Kumar Sarkar @ Arup
Under sections 420/406 of the Indian Penal Code,1860

FORM A

IN THE COURT OF THE LD. ADDL. CHIEF JUDICIAL MAGISTRATE, BERHAMPORE, DISTRICT: MURSHIDABAD	
<i>Present: Smt. Sukti Sarker, ACJM, Berhampore, Murshidabad [JO Code WB 01237]</i>	
<u>GR Case No. 1203 of 2019</u> <u>T.R. No. 227 of 2021</u> <u>CNR no. WBMD04-005785-2019</u>	
<i>(Ref: Berhampore PS Case No. 380/2019 dated 26.03.2019)</i>	
Complainant	STATE OF WEST BENGAL
Represented by	Sri Abid Hasan, Ld APP
Accused Persons	1. Sanjib Kumar Sarkar @ Arup
Ld. Defence Counsel	Nilabja Dutta

FORM B

Date of Offence	26.03.2019
Date of FIR	26.03.2019
Date of Charge sheet	11.04.2020
Date of Framing Charge	24.03.2021
Date of Commencement of Evidence	16.06.2026
Date on which Judgment is reserved	-
Date of Judgment	16.06.2026
Date of the sentencing order, if any	NA

Accused Details

Rank and name of the Accused person	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of section 428 Crpc
1. Sanjib Kumar Sarkar @ Arup	04.11.2020	04.11.2020	U/S 420/406 IPC	Acquitted	NA	NA

Form C

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A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
<i>PW1</i>	<i>Bablu Sk</i>	<i>De-facto Complainant</i>

B. Defence witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITES

A. Prosecution

<i>Serial Number</i>	<i>Exhibit Number</i>	<i>Description</i>
1.	P1/PW1	Complaint along with signature of PW1

B. Defence: Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

: Judgement :

Case of the prosecution came into trial under section 420/406 of Indian Penal Code.

The prosecution case in brief is that de-facto complainant had purchased a Tractor through the accused, working in the capacity as Agent of Sriram Finance and paid the arrear amount of ₹ 1,62,500/- two years ago since filing of this case, but the accused did not handed over the related document of the said Tractor to the de-facto. Hence, this case.

After completion of investigation police submitted charge sheet against the accused persons under sections- 420/406 IPC and charge were framed u/s 420/406 IPC after perusal of the materials in CD and CR.

At the trial the State examined prosecution witness already mentioned above.

The accused persons were examined u/s 313 of Cr.pc and they pleaded their innocence.

POINTS FOR DETERMINATION

- 1) Are the accused persons found guilty for the offences punishable u/s – 420/406 IPC?
- 2) Has the prosecution been able to prove the case against the accused persons beyond reasonable doubts?

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DECISION WITH REASONS

In this case de-facto complainant deposed as PW1 and he was subjected to cross examined. During examination he deposed that the incident took place in the year 2019 when he had handed over the purchased money of the tractor to the accused but the documents did not supply to him, so he filed the said complaint. During the trends of cross examination, he failed to remember who scribed his complaint and the contents of the written complaint. He also admitted that he has received all the document of the impugned vehicle. He further deposed that he has not allegation against the accused.

No other witnesses are present before this Court.

*The prosecution case under **Sections 420/406 IPC** has failed. During the deposition, the de-facto complainant (PW1) explicitly stated that they received all the alleged vehicle documents and are fully satisfied with the conduct of the accused. In light of this, along with the settlement affidavit filed by the complainant affirming an amicable out-of-court resolution, no incriminating evidence remains against the accused*

The obvious result of all these glaring discrepancies and pitfalls must also be obvious. The prosecution case must be declared to have failed. The charges brought against the accused persons could not be substantiated.

This is a case where an order of acquittal would follow because of the doctrine relating to proof beyond reasonable doubt and because there has been absolute lack of credible evidence in support of the framed charges as well as because there are too many questions left unanswered by the State.

To conclude, the prosecution has miserably failed to prove its case against the accused persons. This failure entitles the accused to an order of acquittal.

Hence, it is

ORDERED

*The accused persons being **1. Sanjib Kumar Sarkar @ Arup** are not found guilty in the instant case U/s. 420/406 IPC and they are acquitted under Section 248(1) Cr.P.C.*

Set them at liberty at once.

They are also released from their respective bail bonds and the sureties stands discharged.

Dictated and corrected by me.

(Sukti Sarker)
JO-WB01237
Addl Chief Judicial Magistrate
Berhampore, Murshidabad

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Later (Order dated- 16.06.2026)

Today is fixed for evidence.

Accused persons, namely **1. Sanjib Kumar Sarkar @ Arup** is present along with their Ld. Advocate.

Ld. APP is present.

De facto complainant is present and files fresh voklatnama.

The case record is not taken up for recording Evidence.

The de-facto Complainant is present with photo identity proof & files power.

He is examined & cross-examined in full as PW-1 and discharged.

At this stage, Ld. Advocate for the accused person has filed a petition, praying for closure of evidence.

Considering the evidence, nothing transpires from the deposition of the witness.

Hence summoning of further witness would be nothing less than futile attempts at wasting the judicial hour & revenue of the Court.

Thus, evidence of the prosecution is hereby closed.

The accused person is present.

Thereafter the record is taken up for examination of the accused person u/s 313 of Cr.P.C.

Accused person is examination u/s 313 Cr.P.C and they pleaded their innocence throughout. They declined to give any DW.

Heard both sides.

Judgment will be delivered at 3.00 pm.

Dictated and corrected by me.

(Sukti Sarker)
JO-WB01237

**Addl Chief Judicial Magistrate
Berhampore, Murshidabad**

(Sukti Sarker)
JO-WB01237

**Addl Chief Judicial Magistrate
Berhampore, Murshidabad**

Later at 3.00 pm.

Hence, it is

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Berhampore, Murshidabad**

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**Addl Chief Judicial Magistrate
Berhampore, Murshidabad**