

712(11)2025 (R-712/2025)
Present : Smt. Sushmita Gayen

Order No. 08 dtd. 19.12.2025
J.O. Code WB00823

Today is fixed for framing of charge, supply of copy in the meantime and hearing of the application u/s 250(2) & 254(3) of BNSS and report from IC Kotwali and production of accused persons namely **A1.** Deshraj Singh, **A2.** Raghavendra Pratap Singh & **A3.** Kuldeep Singh.

All three accused persons are produced from J/C.

The report from IC Kotwali has been received on 17.12.2025.

The Id. Spl. P.P. submits that copy has been supplied and the Id. Advocate on behalf of the accused persons admits of have received the copies.

The application u/s 250(2) of BNSS filed by the Id. Advocate on behalf of the accused Raghavendra Pratap Singh is taken up for hearing in the presence of the Id. Advocate on behalf of the accused and the Id. Spl. P.P.

The Id. Advocate on behalf of the accused submits that from the documents submitted by the IO u/s 192 of BNSS, there is no sufficient ground to frame charge against the above noted accused person u/s 103(1)/253/61(2) of BNS. He further submits that there is no cogent ground to frame charge against the above noted accused person.

The Id. Spl. P.P. opposing the said application submits that there is sufficient material in the CD to frame charge against the present accused. He submits that without taking evidence, the Court cannot come to a conclusion as to the role played by this accused in the commission of the crime and subsequent actions.

Heard both sides. Considered.

I totally subscribe to the view of the Id. Spl. P.P. that without recording evidence of the witnesses, this Court cannot come to a conclusion as to the involvement of this accused in commission of this crime and subsequent actions thereafter. I draw aid from section 244(1) of BNSS which reads as follows “**244. Where it is doubtful what offence has been committed.** *If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any such offences, and any number of such charges may tried at once; or he may be charged in the alternative with having committed someone of the said offence*”. Further section 246 of BNSS describes the situations “**What persons may be charged jointly**” and sub-clause (d) of section 246 of BNSS enunciates that persons may be charged jointly if “Persons accused of different offences committed in the course of the same transaction”. So, I am of the view that there is prima facie materials in the CD to frame charge against this accused person namely Raghavendra Pratap Singh.

Hence, the application u/s 250(2) of BNSS is considered and rejected.

The record shall be taken up for framing of charge.

The application u/s 254(3) of BNSS will be heard at the time of recording of evidence.

D/c by me

Sd/- S. Gayen

**Additional Sessions Judge,
4th Court, Krishnagar, Nadia**

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