

**In The Court of The Judicial Magistrate at Bidhannagar  
District -North 24 Parganas**

Present: Nishan Mazumdar  
Judicial Magistrate,  
Bidhannagar, District- North 24 Parganas

**G.R. CASE NO. 45/2022**  
**CIS registration no. 493/2022**  
CNR No. WBNP05-005244-2022

State of West Bengal  
..... Complainant  
Vs  
Supratim Chakraborty  
..... Accused person

Under Sections:- 188/269/270/271 of Indian Penal Code and 51 of Disaster Management Act.

Date of delivery of Judgment:- 05.03.2026

**JUDGMENT**

The instant case is under sections 188/269/270/271 of Indian Penal Code and 51 of Disaster Management Act. This case was initiated on the basis of the written complaint lodged by the de-facto complainant Suman Ganguly dated 08.01.2022.

In nutshell, the case of the prosecution as transpires from the written complaint of the de-facto complainant is that when during Covid-19 pandemic, the de-facto complainant, being a police officer, along with his colleges were on patrolling duty, they found some person were loitering by violating the Covid-19 protocol and when the de-facto complainant gave caution to the accused person in this respect, he did not pay any heed and then the accused person was arrested by the de-facto complainant and he was brought to the concerned P.S.

In such situation, the de-facto complainant lodged complaint at Electronics Complex PS on 08.01.2022. On the basis of this complaint this case has been initiated registering Electronics Complex P.S. case no.13/2022, dated 08.01.2022.

Subsequently, the enquiry has been conducted by the I.O. of this case and charge sheet has been filed against the accused person namely Supratim Chakraborty being charge-sheet no. 11/2022 dated 31.01.2022, u/s 188/269/270/271 of I.P.C and 51 of Disaster Management Act.

The accused person, facing the trial was examined as per provisions of Section 251 of Criminal Procedure Code and the substance of the acquisition with allegations u/s 188/269/270/271 of I.P.C and 51 of Disaster Management Act was read over and explained to the accused person to which the accused person pleaded not guilty by saying 'ami nirdosh' and claimed to be tried.

**Evidence on Record**

At the time of submission of the charge sheet there were as many as five witnesses were cited on part of the prosecution in order to establish the case. But during trial the prosecution adduced only two witnesses namely Suman Ganguly as PW-1 and Tapas Mahapatra as PW-2. The prosecution has failed to adduce other witness on its part.

**PW-1 Suman Ganguly** : The PW-1 stated during his examination in chief that on 08.01.2022 he was on special patrolling duty under Electronics Complex PS., at 10 pm near TCS Gitabitan, he noticed some people were there by violating Covid-19 protocol for social distance. The P.W-1 gave reminder to follow Covid-19 protocol to those persons, but they did not pay any heed. The P.W.1 informed the matter to his higher authority and as per their instruction, he arrested the accused persons and brought them to the police station. The constable Tapas Mahapatra and Ujjal babu accompanied the PW.1 on the date of alleged incident. The P.W.1 could not identify the accused person.

During cross-examination of P.W.1, he stated that he could not recollect who registered this case at the P.S. He could not tell how many persons were arrested on the case date for same allegation.

**PW-2 Tapas Mahapatra** : The PW-2 stated during his examination in-chief that on 08.01.2022 he was on special mobile duty under Electronics Complex PS. With the-then ASI Suman Ganguly. On that day during restriction for Covid-19 one person was loitering and caution was given to him, but that person did not pay any heed. So that person was arrested and complaint was lodged. The P.W-2 could not identify the accused person within the court-room during his deposition.

During cross-examination of P.W.2, he could not tell how many case were filed at that period in connection with lock-down. The P.W.2 put his signature over the document as per instruction of his superior authority and the P.W.2 has no personal knowledge in this respect. The place of incident is a populated area.

**Documents Exhibited.**

**Exhibit P1**: The Written Complaint

**Exhibit P/1**: The signature of P.W.-1 on the written complaint.

**Examination of the accused u/s. 313 of CrPC**

The accused person was examined as per provisions of Section 313 of criminal procedure code and he denied all the contents and on being asked to the accused person as to whether he would adduce any evidence on his part on that the accused person submitted not to adduce any evidence on his part and accordingly no witness was examined and nothing is exhibited on part of the accused person in this case.

**Points for Determination**

1. Is the accused person guilty of offence under sections 188/269/270/271 of I.P.C. ?
2. Is the accused person guilty of offence under section 51 of Disaster Management Act
3. Whether the prosecution is able to prove its case beyond reasonable doubt?

**Decision with reasons.**

I heard learned A.P.P. for the State.

I heard learned advocate for the accused person.

I perused the oral and documentary evidences and other materials available on the record.

It is required to bring allegations u/s. 188/269/270/271 of I.P.C that the accused person disobeyed an lawful order of any public servant and caused obstruction, annoyance or injury to persons lawfully employed, negligently did any act knowing that it may spread infection of any disease which is dangerous to life and disobeyed any quarantine rule.

It is required to bring allegations under section 51 of Disaster Management Act that the accused person obstructed authorities or refused to comply the directions of government during a disaster. This offence includes hindering officials, refusing to follow orders or violating guidelines.

Here, in this case, the allegation is that, the de-facto complainant, being a police officer, along with his colleges when went for patrolling duty during Covid-19 pandemic period, they found some persons were loitering and they told the accused to follow the guidelines of Covid-19, but the accused did not pay any heed and subsequently he was arrested.

But during deposition of the P.W1 and P.W2, both police person and eye-witness, they could not identify the accused person. In the complaint, it was mentioned that many persons were loitering at the spot at the time of alleged incident. But no other person had been arrested and no local witness had been adduced in this case in spite of the fact that the place is a populated area. No incriminating materials has been established from the deposition of two prosecution witnesses and no corroborative evidence has been adduced in this respect.

As such, after considering the above mentioned facts, it has been found that the prosecution has failed to establish the allegations against the accused person in purview of Sections 188/269/270/271 of IPC and section 51 of Disaster Management Act. So the accused person is entitled to be acquitted from the charge of this case.

Hence, it is

**ORDERED**

that the accused person namely **Supratim Chakraborty** is found not guilty of committing any offence punishable under sections 188/269/270/271 of Indian Penal Code and section 51 of Disaster Management Act. The accused person is acquitted from this case as per provisions of section 255(1) of Criminal Procedure Code and the accused person is released from his bail bond at once.

Any alat seized in connection of this case be disposed off as per the provision of law after endorsing the name of the receiver of the alat.

Typed and corrected by me.

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J.O.Code-WB01296