

**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. 646/2022

CIS registration no. 1116/25

CNR No. WBNP05-008009-2025

State of West Bengal

.....Complainant

Vs

1) Maya Saha

2) Babul Saha

.....Accused persons

Under Sections:- 420/406/120B of Indian Penal Code,1860.

Date of delivery of Judgment:- 10.08.2026.

JUDGMENT

This case was initiated on the basis of the written complaint of Shyamal Karmakar under Sections156(3) of CrPC and subsequently as per order of Ld. Court the FIR was registered in this respect being Lake Town PS case no.143/2022 dated 21.06.2022 under Sections 420/406/120B of Indian Penal Code.

In nutshell, the case of the prosecution as transpires from the record is that the accused persons approached the complainant to invest in their business and the complainant, relying upon such proposal, executed one deed of agreement with accused no.1 Maya Saha on 01.07.2017. The started to pay rent regularly and subsequently the rent became due and to settle the due, the accused no.1 Maya Saha gave six cheques of rupees 2.5 lakes each and another cheque of Rs.16,53,238/- being cheque no. 892049. the accused no.1 requested the complainant not to place the cheques aggregating to sum of Rs.10,00,000/- for encashment and promised to pay the same through bank drafts. But that bank draft was not given to the complainant and then place the cheque no.892049 for encashment and that was dishonoured. The other cheque also remained unpaid. Thus the accused no.1 in collusion with the accused no.2 had cheated the complainant of Rs.10,00,000/- and as such the complainant made a written complaint at Lake Town PS, but no step was taken by the concerned PS. Then this instant complaint has been filed by the complainant before the Id. Court of A.C.J.M., Bidhannagar as per provision of Section 156(3) of Cr.P.C.

On the basis of order of the Id. ACJM, Bidhannagar, FIR was registered being Lake Town PS case no.143/2022 dated 21.06.2022 under Sections 420/406/120B of Indian Penal Code. Subsequently after completion of the investigation by the IO, charge-sheet has been filed by him against the two accused persons namely Maya Saha and Babul Saha under Sections 420/406/120B of IPC being charge-sheet no.101/2025 dated 28.03.2025.

The accused persons facing the trial were examined as per the provisions of Section 240 of Criminal Procedure Code and the substance of the acquisition with allegations u/s 420/406/120B of I.P.C was read over and explained to the accused persons to which every 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 seventeen witnesses were cited on part of the prosecution in order to establish the case. But during the trial, the prosecution has adduced only the de-facto complainant namely Shyamal Karmakar as PW-1 and the prosecution has failed to adduce other witnesses.

PW-1 : Shyamal Karmakar, the de-facto complainant of this case, being the PW-1 has stated in his examination-in-chief that he is the complainant of this case. There was due money for that PW-1 lodged complaint against Maya Saha and the matter have amicably been settled. During cross-examination no incriminating material came out from the cross-examination of PW-1.

Documents Exhibited.

Exhibit no.1 : Petition under section 156(3).

Examination of the accused under Sections 313 of CrPC

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

Points for Determination

1. Are the accused persons guilty of offence under sections 420/406/120B of I.P.C ?
2. 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 persons.

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

The de-facto complainant has lodged this case with allegation against the accused persons that they approached the complainant to invest in their business and the complainant, relying upon such proposal, executed one deed of agreement with accused no.1 Maya Saha on 01.07.2017. The started to pay rent regularly and subsequently the rent became due and to settle the due, the accused no.1 Maya Saha gave six cheques of rupees 2.5 lakes each and another cheque of Rs.16,53,238/- being cheque no. 892049. the accused no.1 requested the complainant not to place the cheques aggregating to sum of Rs.10,00,000/- for encashment and promised to pay the same through bank drafts. But that bank draft was not given to the complainant and then place the cheque no.892049 for encashment and that was dishonoured. The other cheque also remained unpaid. Thus the accused no.1 in collusion with the accused no.2 had cheated the complainant of Rs.10,00,000/- and thus, they committed cheating, criminal breach of trust and made criminal conspiracy in this respect.

But during deposition of the de-facto complainant as PW-1, no incriminating material came out against the accused persons and no corroborative evidence has been adduced in this respect. No documentary evidence also came from the prosecution that the accused persons had received money from the de-facto -complainant by practicing fraud.

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Thus from the above made discussions, it has been found that the prosecution has failed to establish the allegations against the accused persons in purview of Sections 420/406/120B of IPC. So the accused persons are entitled to be acquitted from this case.

Hence, it is

ORDERED

that the accused persons namely **Maya Saha** and **Babul Saha** are found not guilty of committing any offence punishable under sections 420/406/120B of Indian Penal Code. The accused persons are acquitted from this case as per provisions of section 248(1) of Criminal Procedure Code and the accused persons are discharged from their respective bail bonds at once.

Any amount seized in connection of this case be disposed of as per the provision of law after endorsing the name of the receiver of the amount.
Dictated and corrected by me.

Judicial Magistrate,
Bidhannagar, District- North 24 Parganas

Judicial Magistrate,
Bidhannagar, District- North 24 Parganas
J.O.Code-WB01296