

Form A
IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BARRACKPORE
Present : Manika Chatterjee Nee Saha, [JO Code WB 01065] Additional Chief Judicial Magistrate, Barrackpore, 24- Parganas (North).
Date of the Judgment : 09.03.2026
Spl. Case No.02 of 1996 T.R. No.257 of 2012
CNR No.WBNP191103001191996
C.I.S No.99 of 2014

(Details of FIR/Crime and Police Station)	
Bizpore P.S. Case No.176 dated 30.12.1995 under Section 7(i)(a)(ii) of Essential Commodities Act, 1955	
Complainant	State of West Bengal
REPRESENTED BY	Sri Jadunath Ghosh
ACCUSED	Bikash Saha
REPRESENTED BY	

Form B		
Date of Offence	:	30.12.1995
Date of FIR	:	30.12.1995
Date of Charge Sheet	:	16.05.1996
Date of Plea	:	24.01.2018
Date of commencement of Evidence	:	26.02.2018
The date on which judgment is reserved	:	09.03.2026
Date of Judgment	:	09.03.2026
Date of sentencing order, if any	:	Acquitted

: - 2 - :

Accused Details:

The 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.
A1	Bikash Saha	30.12.1995	Obtained bail on 02.01.1996	U/s. 7(i)(a)(ii) of Essential Commodities Act, 1955	Acquitted	N.A	N.A

Form C

List of Prosecution /Defence/ Court Witnesses

A. Prosecution :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Sri Kalipada Pal	Police Personnel
PW2	Sri Debendra Sarkar	Independent Witness

B. Defence Witness, if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW	NIL	

C. Court Witness, if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW	NIL	

List of Prosecution/Defence/Court Exhibits

A. Prosecution :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

B. Defence :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibit :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

JUDGMENT

Prosecution case:

1. The instant case was filed under Section 7(i)(a)(ii) of Essential Commodities Act. This case was initiated based on the Written Complaint lodged by the complainant, Sri Sudhir Kumar Ghosh, S.I. of D.E.B., North 24-Parganas.

2. The brief fact of the case as alleged by the complainant in his written Complaint is that on 30.12.1995 at about 18.30 hours the complainant along with S.I., Pranab Dutta, S.I., Kalipada Paul and Constable 943, Dhiraj Mondal detained one truck being No.WGA-6930 loaded with coal in course of holding DEB raid on Kalyani Express at Bizna area under Bizpore Police Station and the said truck was proceeding towards Barrackpore from Kalyani side and they asked the driver to produce challan, delivery order of colliery or any other valid documents in support of the coal carried by his truck. While he disclosed his name as Ranjit Singh and he also produced one challan-cum-gate pass issued by M/s. Wind Glass Ltd. Registered office at E-2/3, Gillander House, Calcutta and of Bansberia, District – Hooghly which is not covered with the provision directions of Colliery Control Order, 1945. The driver of the vehicle and the consignor and consignee violated the provisions of Para 12B and 12E Colliery Control Order, 1945 which are punishable under Section 7(i)(a)(ii) of Essential Commodities Act for carrying the coal without proper documents and order from Coal Authority of India. Thereafter, the complainant seized the truck and other paper under proper seizure list.

3. The police after investigation filed charge sheet against the accused namely, Ranjit Singh, M/s. Window Glass and Bikash Saha under Section 7(i)(a)(ii) of Essential Commodities Act. But after submission of charge sheet accused, Ranjit Singh has died and he was filed for ever.

4. Thereafter, on perusal of the entire materials, the substance of the accusation was read over and explained to the accused person namely, Bikash Saha to which he pleaded 'Not Guilty' and claimed to be tried. Hence this trial.

5. The trial was held, and the witnesses were examined by the prosecution in support of its case. The examination of accused person u/s. 313 Code of Criminal Procedure is done after completion of prosecution witness and the accused person denied to adduce any evidence on his part and hence, DW is closed and record is taken up for hearing argument. After hearing of argument in full in presence of both sides the judgment is pronounced in open Court today.

Points for Consideration:

6. Is the accused person guilty of the offence punishable under Section 7(i)(a)(ii) of Essential Commodities Act?

Decision With Reasons:

7. Now, I have to analyze, assess and take into account the total evidence and materials on record to decide the case properly.

8. Ld. A.P.P during the argument submitted that the case of the prosecution has not been proved. Ld. APP fairly submits that the guilt of the accused has not been proved at all and it is clear from the evidence of witnesses that due to misconception the case was filed.

9. Ld. Counsel appearing for the accused person had an advanced argument in support of the acquittal of the accused person from the alleged charge. It is submitted that the case against the accused person is false and fabricated and the accused person has been implicated falsely. According to the Ld Counsel, the accused person is entitled to be acquitted of the alleged pleas.

10. On perusal of the evidence on record, I find that the witnesses have been examined in this case.

11. P.W.-1, Sri Kalipada Pal stated during his examination in chief that, "I retired as S.I. on 30.12.1995. I was posted at DEB, North 24-Parganas. On that day along with Sudhir Kumar Ghosh, S.I. and some other constables went to conduct raid under Bizpur P.S. We apprehended one vehicle loaded with coal. 3 accused of that vehicle could not produce relevant document and permit for coal. Seizure was made on spot and all three accused were arrested. I can recollect name of one accused as Ranjit but cannot recollect name of others. Today I could not find any of them. We then returned to Bizpur P.S. and S.I. Sudhir Kumar Ghosh lodged complaint."

During his cross-examination he also stated that "I cannot say whether out G.D. was made prior going to raid. We went to raid with police car but cannot recollect its number. I cannot recollect number of offending vehicle. This is not a fact that I never went to conduct raid. Not a fact that all papers are table work only. Not a fact that I gave my statement as per direction of Sudhir Kumar Ghosh."

12. P.W.-2, Sri Debendra Sarkar stated during his examination in chief that, "I do not know Bikash Saha. I do not know anything about the incident. I do not have anything to say."

13. It appears from record that coal was seized, from the vehicle allegedly carrying such coal illegally, by the police and one Kalipada Paul who happens to be members of such raiding party deposed as PW1. Kalipada Paul stated that three accused of the said vehicle could not produce relevant documents and permit for coal and three accused persons were arrested on spot but it will appear from complaint along with forwarding report that only one accused namely, Ranjit Singh was arrested on spot and other two accused i.e. Bikash Saha who is also proprietor of M/s. Window Glass were not arrested on spot. M/s. Window Glass was not any individual but a company, represented by accused Bikash Saha. Hence, it can be safely observed that Kalipada Paul who is police witness having scope of refreshing his memory could not depose properly regarding the raid and seizure made by them.

14. Defacto complainant did not come to depose. There are two independent witnesses as per seizure list of the alleged seizure namely, Deben Sarkar and Anil Kumar Singh. Out of these two witnesses Deben Sarkar deposed as PW2 who could not say anything about the incident and prosecution fails to produce Anil Kumar Singh or any other witnesses except PW1 and PW2 in this case. Hence, the accused, Bikash Saha must be acquitted from this case.

15. From the evidence of the witness, nothing has transpired which can prove the prosecution case. The evidence of the prosecution was closed on the prayer of the Ld Asst. Public Prosecutor and as such it can well be construed and said that despite being given the opportunity and scope to prove its case the prosecution has failed to bring home the plea against the accused person. I find no incriminating materials against the accused person for which the accused person can be connected under Sections 7(i)(a)(ii) of Essential Commodities Act. I, therefore, hold that the essential ingredients to convict the accused person with the offence punishable under Section 7(i)(a)(ii) of Essential Commodities Act are very much absent in the present case. Resultantly the accused person is entitled to be acquitted of the pleas so framed against him under Section 7(i)(a)(ii) of Essential Commodities Act, 1995.

16. All the points are thus answered in the negative.

17. As a result prosecution case fails and the accused person merit acquittal.

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Hence,

ORDERED

The accused person namely, Bikash Saha is found not guilty of the charge so framed against him under Sections 7(i)(a)(ii) of Essential Commodities Act, 1995 and they are acquitted under section 255(1) of the Cr. P.C.

The judgment is delivered in open Court. Let necessary noting be made in the register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of the Cr. R.O of the Honourable High Court, Calcutta.

Let a copy of this judgment be forwarded to the District Magistrate, North 24 Parganas, DLSA, North 24 Parganas for due intimation to the victim as defined under section 2(a) of the Code of Criminal Procedure.

Manika Chatterjee Nee Saha,
Additional Chief Judicial Magistrate,
Barrackpore, North 24 Parganas

SPL Case No.02 of 1996

Order dated : 09.03.2026

The record is taken up for argument and judgment.
Accused is on bail and is present by filing hazira.
Ld. APP is present.
Argument heard in full.

Hence,

ORDERED

The accused person namely, Bikash Saha is found not guilty of the charge so framed against him under Sections 7(i)(a)(ii) of Essential Commodities Act, 1995 and they are acquitted under section 255(1) of the Cr. P.C.

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