

Form A

IN THE COURT OF THE LD. JUDICIAL MAGISTRATE 4TH COURT, BARRACKPORE, NORTH 24 PARGANAS.	
Present : A.N.Warsi (JM 4 th Court, Barrackpore.)	
Date of the Judgment : 10.07.2026	
Case No. GR. 289/1998 CIS No. 2002/2014 CNR No. WBNP 15006571998	
(Details of FIR /Crime and Police Station) Dumdum PS Case No. 42/1998, dated 30.01.1998.	
Complainant	Lakhan Mahato
REPRESENTED	Ld. APP Anindita Mondal (Saha)
ACCUSED	1. Md Samjed Moral
REPRESENTED BY	Ld. Adv. Ranajit Chakraborty.

FORM B

Date of Offence	30.01.1998.
Date of FIR	30.01.1998
Date of Charge-sheet	28.09.1998
Date of Framing of Charges	12.03.2002
Date of commencement of Evidence	30.08.2002
Date on which Judgment is reserved	N.A.
Date of the Judgment	10.07.2026
Date of the Sentencing Order, if any	Acquitted

Accused details

Rank of the Accused	Name of 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.
No. 1	1. Md Samjed Moral	N.A	03.02. 1998	304A IPC	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	Dr. Chittaranjan Banerjee	MO

B. Defence witnesses, if any: None.

C. Defence witnesses, if any: None.

LIST OF PROSECUTION /DEFENCE /COURT EXHIBITS

A. Defence: None.

B. Court Exhibits: None.

C. Material objects: None.

Factual back drop of the case:

The prosecution case arises from a written complaint filed by the de facto complainant Lakhan Mahato before DumDum PS. The complainant alleged that on 20.01.1998 his son Binod Mahato went to Podder Enterprise to buy basta. At that time a bag of papers fall upon him and as such he got injured. Binod Mahato was thereafter taken to National Medical College and Hospital and was hospitalized. But he unfortunately expired on 29.01.1998.

Then the complainant lodged a complaint u/s 304A IPC before DumDum PS. After completion of investigation, the I/O of this case filed charge-sheet against the accused person u/s 304A IPC. After charge-sheet being filed, the Ld. ACJM, Barrackpore took cognizance of the same and the case record was transferred to this court for trial and disposal.

CHARGE

After the case record being transferred to this court, this court examined the accused persons u/s 251 of CrPC. they pleaded not guilty and claimed to be tried. After considering the prima-facie materials on record, this court framed formal charge u/s 304A IPC against the accused person.

Evidences Adduced:

Following evidences/witnesses has been from the prosecution side:-

1. Dr Chittaranjan Banerjee i.e. MO as PW 1.

Points For Consideration

- 1) Whether the accused person have committed the offense u/s 304A IPC ?
- 2) Whether the prosecution has proved the guilt of the accused person beyond reasonable shadow of doubt?

Decision With Reasons

Delving into the discussion of this case, it is important to evaluate the evidence on record.

PW 1 Dr. Chittaranjan Banerjee (MO) in his evidence stated that he does not know any Lakhan Mahato. He heard that a person had expired as a bag of cutting papers fell over him from the second floor of the building on 20.01.1998. He has not seen the incident on his own.

No other witnesses has been examined from the side of the prosecution. On minute comparison between the evidence on record and the written complaint, it would transpire that there is vast dissimilitude between the initial version of the prosecution made in the written complaint and the evidence given during the trial.

The allegations against the accused person, as stated by the prime witness, are very omnibus. The case of the prosecution lacks substance on the want of specification. No, positive evidence is thereon recorded whereby it

can be said that the prosecution has been able to bring home the plea against the accused person. There is an utter failure on the part of the prosecution to entangle the accused person against the charges so framed. All these, make the prosecution case weak. The written complaint, the initial version of the prosecution and the evidence so adduced on the dock stand poles apart.

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 Learned 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 persons can be convicted under sections 304A IPC. I, therefore, hold that the essential ingredients to convict the accused person with the offence are punishable under sections 304A IPC 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 sections 304A IPC.

All the points are thus answered in the negative.

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

Hence,

ORDERED

The accused person namely, Md Samjed Moral is found not guilty of the charge so framed against him under sections 304A IPC and he is acquitted under section 255 (1) CrPC.

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.

**Judicial Magistrate
J.M 4th Court,
Barrackpore.**

**Judicial Magistrate
J.M 4th Court,
Barrackpore.**

GR 289 of 1998**10.07.2026**

Today is fixed for further evidence. No evidence has turned up. The Ld adv on behalf of accused had filed a petition praying to closed the evidence.

Considering the nature of evidence that has come up from the vital witness the prosecution has stated that she will not examine any further witness and therefore PW is closed.

Heard argument from both the sides.

Now the record is fixed for passing of judgment.

Later

Judgment is pronounced in open court. It is written in a separate sheet and kept with the record

Hence it is,

ORDERED

The accused person namely, Md Samjed Moral is found not guilty of the charge so framed against him under sections 304A IPC and he is acquitted under section 255 (1) CrPC.

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

The concerned sureties are discharged from their liabilities .

The accused person is released from his bail bond.

**Judicial Magistrate
J.M 4th Court,
Barrackpore.**

**Judicial Magistrate
J.M 4th Court,
Barrackpore.**

