

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

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

**NGR CASE NO. 2345/2021**

**CIS registration no. 06/2022**

CNR No. WBNP05-000360-2022

State of West Bengal

.....Complainant

Vs

Abhijit Das

.....Accused person

**Under Section:-** 189/506 of Indian Penal Code,1860.

Date of delivery of Judgment:- 24.07.2026

**JUDGMENT**

The instant case is under section 189/506 of Indian Penal Code,1860. This case was initiated on the basis of the written complaint lodged by the de-facto complainant Sumanta Kumar Bar on 29.11.2021.

In nutshell, the case of the prosecution as transpires from the written complaint of the de-facto complainant is that the-then ASI of Bidhannagar East PS Sumanta Kumar Bar on 24.11.2021 at night shift, was performing his night shift patrolling duty on government vehicle, at around 10.45 pm while they were passing on Metal Road to Baishakhi Housing, Sector-II, Salt Lake. Suddenly on pet dog rushed towards the patrolling vehicle and his master was also coming behind by chasing the dog to catch. That dog came near the patrolling vehicle and the driver somehow managed to stop the vehicle. Then the owner of that dog started to use filthy languages and threatened Sumanta Kumar Bar and his colleagues, on-duty, to harm their service. After that, said person was arrested by Sumanta Kumar Bar and one interrogation that person revealed his name as Abhijit Das and he was taken to the concerned PS and subsequently he was released on bail from the PS by furnishing PR bond. In this respect Bidhannagar East PS GDE no.1534 dated 24.11.2021 was registered and prayer was made before the Id. ACJM, Bidhannagar for permission to make inquiry in this respect. After obtaining permission from the Id. Court, inquiry was made by the SI Sumanta Kumar Bar and in reference of Bidhannagar East PS GDE nos.1534 & 1549, both dated 24.11.2021 and another GDE no.383 dated 07.12.2021 the prosecution report was submitted by him on 07.12.2021 against Abhijit Das under sections 189/506 of IPC.

The accused person facing the trial, was examined as per the provision of Section 251 of Criminal Procedure Code and the substance of the allegations under

sections 189/506 of Indian Penal Code, 1860 was read over and explained to the accused person to which accused person pleaded not guilty by saying 'ami nirdosh' and claimed to be tried.

**Evidence on Record**

At the time of submission of the Prosecution Report there were as many as four witnesses were cited on part of the prosecution in order to establish the case. During the trial the prosecution adduced Sumanta Kumar Bar as PW-1, Sukanta Halder as PW-2, Mintu Pal as PW-3 and Bappa Ghosh as PW-4.

**PW-1 Sumanta Kumar Bar** : During his examination-in-chief of the Inquiry Officer of this case as the PW-1, he stated that on 25.11.2021 he lodged one GDE at Bidhannagar East PS. He lodged another GDE at Bidhannagar East PS being no.1549 dated 24.11.2021. the PW-1 has stated same facts as he has stated in the prayer before the Id. Court of ACJM, Bidhannagar regarding his prayer to obtain permission to start inquiry in connection with the aforesaid GDE. The PW-1 stated that if the accused Abhijit Das to be present withing the Court room, during deposition of PW-1, he could identify him.

During cross-examination of PW-1, he stated that after obtaining permission of his superior authority he made investigation the alleged offence in Part-IV. In non-cognizable case inquiry used to be conducted after obtaining permission from the Court. But in cognizable cases, there is no requirement for permission for investigation. He served Bidhannagar East PS for five years from the date of his deposition. There are more than 200 flats, situated at Baisakhi Abasan and as it is a government housing there are so many entry and exit gates. In the prayer for obtaining permission to inquiry and as well as in the Prosecution Report, there are no mention of the vehicle number. In the Prosecution report, there is no mention of the exact place of occurrence of the alleged incident. In the PR there is no revelation that accused was not arrested. PW-1 has not used the term 'investigation' in his entry Prosecution Report. PW-1 has not disclosed the breed of the said dog in the PR. He has not made any public individual as PR witness. In the GDE the PW-1 had not mentioned the exact words which were used by the wrongdoer. He also has not mentioned the registration number of the patrolling vehicle which was being used by PW-1 and his colleagues during the alleged incident.

**PW-2 Sukanta Halder** : During his examination-in-chief, the PW-2 stated that on 24.11.2021 he was posted as constable at Bidhannagar East PS. He has no knowledge about any incident, in connection with this case. The Cross-examination of PW-2 has been declined.

**PW-3 Mintu Pal** : During his examination-in-chief, the PW-3 stated that on 24.11.2021 he was posted as constable at Bidhannagar East PS. He has no knowledge about any incident, in connection with this case. The Cross-examination of PW-3 has

been declined.

**PW-4 Bappa Ghosh** : During his examination-in-chief, the PW-4 stated that he has no knowledge about this case. The Cross-examination of PW-4 has been declined.

**Documents Exhibited on part of the prosecution.**

Exhibit no.1 : Extra copy of GDE no.1549 dated 24.11.2021 of BDN East PS.

Exhibit no.2 : Prayer for Inquiry and endorsement on it by officer in charge

Exhibit no.3 : Prosecution Report no.415/2021 dated 07.12.2021.

**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 was willing to 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 section under sections 189/506 of Indian Penal Code,1860 ?
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 and the Id. advocate for the accused person.

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

After careful perusal of material on record it appears that the de-facto complainant made allegation against the accused that the accused person was chasing his pet dog which came near the patrolling van of the police and that time the de-facto complainant cum Inquiry Officer of this case was on that car with his colleagues for night patrolling duty. The accused person started to use filthy languages addressing to the police personnel on duty and the de-facto complainant was compelled to arrest him and subsequently he was released on bail from concerned PS. In this respect after obtaining permission from the Id. Court, the inquiry was conducted by the IO and Prosecution Report was submitted against the accused Abhijit Das under sections 189/506 of IPC.

It is required to prove to bring under this section that the accused person has threatened a public servant with injury to him or one in whom he is interested, to induce him to do or forbear to do any official act and made criminal intimidation.

During deposition of de-facto complainant cum IO of this case as PW-1, he

admitted during cross-examination that there was no mention in the GDE and PR about the words which were uttered by the accused during the alleged incident. So it is not possible to decide whether the uttered languages by the accused, are filthy or not. The allegation 506 of IPC has not been established in this case.

The de-facto complainant had failed to adduce any document to establish that he and his colleagues were on night patrolling duty at Baisakhi Complex on the date of alleged incident or not. As such, the allegations under sections 189 of IPC has not been established in this case by the evidence of the prosecution witnesses.

No corroborative evidence has been filed by the prosecution to establish the allegations against the accused person. As such, the prosecution has failed to establish the allegation against the accused person under sections 189/506 of Indian Penal Code,1860 and the accused person is entitled to be acquitted from this case.

Hence, it is

**ORDERED**

that the accused person namely **Abhijit Das** is found not guilty of committing any offence punishable under sections 189/ 506 of Indian Penal Code,1860. The accused person is acquitted from this case as per provisions of section 255(1) of criminal procedure code and the accused person is discharged from his bail bond at once.

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

Typed and corrected by me.

Judicial Magistrate,  
Bidhannagar, District- North 24 Parganas

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J.O. Code: WB01296