



In the court of Judicial Magistrate, 1st court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 01 st day of August, 2026] [G.R. Case No. 748 of 2025] [CIS Registration No. 09 of 2026] CNR No.WBPU060000192026 (Arising out of Neturia P.S. Case No. 172/2025 dated 30.09.2025 under 303(2)/317(2) BNS, 2023 and Section 182(A) Motor Vehicles Act)	
Complainant	STATE OF WEST BENGAL THROUGH O/C Neturia POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	1.Muktar Sekh 2.Dilip Murmu
REPRESENTED BY	Parimal Chowdhury & Bhairab Das

Form B

[directed by the Hon’ble Supreme court in SUO MOTO WRIT (CRL) NO. (S) 1/2017; IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS V. THE STATE OF ANDHRA PRADESH & ORS.]

Date of Offence	28.09.2025
Date of FIR	30.09.2025
Date of Charge-sheet	30.11.2025
Date of Charge	19.02.2026
Date of commencement of evidence	13.05.2026
Date on which judgment is reserved	01.08.2026
Date of the Judgment	01.08.2026
Date of the Sentencing Order, if any	ACCUSED PERSON HAS BEEN ACQUITTED

Accused details:

Sl.	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.
1.	Muktar Sekh	30.09..2025 (arrested)	01.10.2025	303(2)/317(2) BNS,	Acquitted.	NA	NA



				2023 and 182(A) MV Act			
2.	Dilip Murmu	29.10.2025 (arrested)	31.10.202 5	303(2)/ 317(2) BNS, 2023	Acquitted.	NA	NA

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 WITNESSES)
PW1	Anirban Mishra	Independent witness (hostile)
PW2	Rabin Chandra Gorai	Seizure witness
PW3	Sailen Majhi	Seizure witness
PW4	PSI Asimananda Ghosh	Investigating Officer

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
DW	NIL	NIL

C. court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
CW	NIL	NIL

List of Prosecution/ Defence/ court Exhibits

• Prosecution:

Sr. No.	Exhibit Number	Description	Date
1.	Exhibit P1	Seizure List relating to seizure of iron rods and trolley	30.09.2025
2.	Exhibit P1/1	Signature of PW2 (Rabin Chandra Gorai) on Seizure List	30.09.2025
3.	Exhibit P1/2	Signature of PW3 (Sailen Majhi) on Seizure List	30.09.2025
4.	Exhibit P1/3	Signature of PW4 (PSI Asimananda Ghosh) on Seizure List	30.09.2025
5.	Exhibit P2	Written Complaint	30.09.2025
6.	Exhibit P3	Formal First Information Report (FIR)	30.09.2025
7.	Exhibit P3/1	Signature on the Formal FIR	30.09.2025
8.	Exhibit P4	Rough Sketch Map of the Place of Occurrence	30.09.2025
9.	Exhibit P5	Index of the Rough Sketch Map	30.09.2025



10.	Exhibit P5/1	Seizure List relating to seizure of the Registration Certificate (RC Book) of the vehicle	09.11.2025
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• Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

• court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

• Material Objects:

Sr. No.	Exhibit Number	Description	Date
Nil	Nil	Nil	Nil

J U D G M E N T

Facts of the case:

On 30.09.2025, a written complaint was lodged by Puppala Srinivas, Site Engineer of Gaja Engineer Pvt. Ltd., alleging that during the night of 28.09.2025 at about 2:30 A.M., unknown miscreants committed theft of steel materials, including 32 mm iron rods, 10 mm steel rods, MS channels, angles and other materials, valued at approximately Rs. 52,000/-, from the intake jetty situated within the premises of Gaja Engineer Pvt. Ltd. at Village Siulibari under Neturia Police Station. On the basis of the complaint, Neturia P.S. Case No. 172/2025 dated 30.09.2025 was registered under Section 303(2) of the BNS, 2023.

The investigation was taken up by PSI Asimananda Ghosh, who examined the complainant and other witnesses, visited the place of occurrence, and prepared a rough sketch map with index. During investigation, accused Muktar Sekh was arrested on 30.09.2025, and 50 pieces of iron rods, alleged to be the stolen property, along with a three-wheeler trolley fitted with a motorcycle engine bearing Registration No. WB52AA3973, were seized. Thereafter, accused Dilip Murmu was arrested on 28.10.2025. During the course of investigation, the Court permitted addition of Section 317(2) of the BNS on 29.10.2025 and Section 182(A) of the Motor Vehicles Act on 15.11.2025. After obtaining the Court's permission, the seized iron rods were returned to the complainant on 15.11.2025, and the seized vehicle was returned to accused Muktar Sekh on 16.11.2025. Upon completion of investigation, the Investigating Officer submitted Charge Sheet No. 144/2025 dated 30.11.2025 against accused Muktar Sekh under Sections 303(2)/317(2) of the BNS, 2023 and Section 182(A) of the Motor Vehicles Act, and against accused Dilip Murmu under Sections 303(2)/317(2) of the BNS, 2023.

After compliance with the provisions relating to supply of police papers, charges were framed against both the accused persons for the aforesaid offences. The contents of the charges were read over and explained to them, to which they pleaded not guilty and claimed to be tried.



Evidence adduced

Only four witnesses in this case have been examined and cross examined as PW01 to PW04. No other witness has been examined on behalf of the prosecution. After considering every possible facet and the quality of the evidences on record, the prayer of the accused person was allowed because production of further witnesses and dragging this case any further in violation to the provisions of section 309 of the Criminal Procedure Code 1973; appeared to be absolutely unnecessary. It is also axiomatic from the case record that even after taking gusto efforts appearance of all the witnesses could not be secured. It is worthwhile to mention here that this case is pending since the year 2025 and as per the mandate of Constitution speedy disposal is the fundamental right of the accused person. Moreover the case come under Track 03 as per the Case Flow Management Rules, High court Rules 2006. Thus it is the indelible duty of this court to hoist the right of the accused person and to act in accordance with section 309 of the Criminal Procedure Code 1973 read with the Case Flow Management Rules, High court Rules 2006 as well as the direction of the Hon'ble Supreme court given in *Hussain and another versus Union of India, 2017[2] AICLR 362 (SC)*. Hence being pioneered by the decision of the Hon'ble Supreme court the prosecution evidence was closed and the case was fixed for examination of the accused person under section 313 of the Code of Criminal Procedure, 1973. However In short the sum and substance of the defence is plea of innocence.

After exhausting the above procedures the case was posted for hearing of arguments. On completion of arguments it is the incumbent duty of this court formulate the points for determination and assign reasons for harbouring to any conclusion on those points. After considering every possible facet in this case and considering the materials available, the points for determination as formulated are arrayed as under:

Points for determination

- 1) Whether the charges framed against the accused person have been proved or not?
- 2) Whether the accused person is liable to be convicted under 303(2)/317(2) BNS, 2023 and Section 182(A) MV Act?

Decision with reason

Point number 01 and 02:

As both the above-mentioned points for determination are closely interrelated, they are taken up together for the sake of convenience and brevity and are being discussed jointly in this judgment. Learned counsel appearing for the accused, during the course of arguments, submitted that the prosecution has miserably failed to prove the charges framed against the accused and, therefore, the accused persons are entitled to acquittal. He further contended that none of the witnesses examined by the prosecution have been able to depose to any material facts from which the charges against the accused could be said to have been



proved, and as such, the accused persons deserve to be acquitted. Learned A.P.P., however, opposed the said contention and raised serious objections to the prayer made on behalf of the accused. She submitted that there are sufficient materials on record from which the prosecution case can be said to have been proved beyond reasonable doubt.

PW1, Anirban Mishra, deposed that he knew the defacto complainant, Puppala Srinivas, but stated that he did not know anything about the case. During cross-examination, he declined to answer any further questions.

PW2, Rabin Chandra Gorai, deposed that on 30.09.2025, PSI Asimananda Ghosh seized iron rods from accused Muktar Sekh at Pathardiha Ground in his presence and that he was a witness to the seizure. He identified his signature on the seizure list, which was marked as Exhibit P1/1. In cross-examination, he admitted that he could not state the CC number on which he was on duty, the measurements of the seized articles, identify the seized articles before the Court, or describe the topography of the place of seizure. He denied that no seizure had taken place or that he had signed the seizure list at the police station at the direction of his superior.

PW3, Sailen Majhi, corroborated the seizure by stating that on 30.09.2025, PSI Asimananda Ghosh seized iron rods from accused Muktar Sekh at Pathardiha Ground in his presence. He identified his signature on the seizure list, which was marked as Exhibit P1/2. During cross-examination, he admitted that he could not state the CC number on which he was on duty, the measurements of the seized articles, identify the seized articles before the Court, or describe the topography of the place of seizure. He denied that no seizure had taken place or that he had signed the seizure list at the police station.

PW4, PSI Asimananda Ghosh, the Investigating Officer, deposed that the written complaint was received by SI Sourav Kanti Das and proved the written complaint, formal FIR, sketch map, index, seizure list dated 30.09.2025, seizure list relating to the RC book dated 09.11.2025, and the charge sheet. He stated that he examined the complainant and other witnesses, visited the place of occurrence, prepared the rough sketch map with index, seized the alleged stolen iron rods and the trolley, and, upon completion of investigation, submitted Charge Sheet No. 144/2025 dated 30.11.2025. In cross-examination, he admitted that the alleged theft occurred on 28.09.2025 whereas the FIR was lodged on 30.09.2025 without any explanation for the delay. He further admitted that the seized articles were recovered from a bush area near Battala, Pathardiha Ground, that he had not prepared any sketch map or index of the place of recovery, that there was no independent witness to the seizure, and that no identification of the seized articles had been conducted. He denied that the investigation was perfunctory, that nothing had been recovered from accused Muktar Sekh, or that he had deposed falsely.

From the evidence adduced by the prosecution, it appears that the prosecution case is founded mainly upon the alleged recovery of stolen iron rods



and the evidence of the Investigating Officer and the police seizure witnesses. However, the Court is required to examine whether such evidence establishes the guilt of the accused beyond all reasonable doubt.

The defacto complainant, who is the maker of the written complaint and the most material witness to prove the alleged theft, has not been examined. Likewise, the other material witnesses, namely Poliseti Hari Prasad and Prasad Jogi, who were employees of the company and cited as witnesses in the charge sheet, have also not been examined. In absence of the evidence of the complainant, the prosecution has failed to prove the occurrence of theft, the nature of the stolen articles, and the ownership thereof through substantive evidence before the Court.

PW1 Anirban Mishra, who was cited as an independent witness, has not supported the prosecution case. He merely stated that he knew the complainant but did not know anything about the incident. Thus, his evidence does not lend any support to the prosecution.

The prosecution has relied upon PW2 Rabin Chandra Gorai and PW3 Sailen Majhi to prove the seizure. Both these witnesses are police personnel. No independent witness was associated with the alleged seizure. During cross-examination, both the witnesses admitted that they could not state the measurements of the seized articles, could not identify the seized articles before the Court and could not describe the place of seizure. Their evidence, therefore, merely proves that they signed the seizure list but does not satisfactorily establish the identity of the alleged stolen property.

The evidence of PW4, the Investigating Officer, also suffers from material infirmities. He admitted that although the alleged occurrence took place on 28.09.2025, the FIR was lodged on 30.09.2025 and no explanation for such delay was mentioned in the complaint. He further admitted that no sketch map or index of the place of recovery was prepared. He also admitted that there was no independent witness to the seizure and that no identification of the recovered iron rods was ever conducted. These admissions assume significance because the alleged recovery forms the foundation of the prosecution case.

The prosecution has also failed to establish that the iron rods allegedly recovered were the same articles stolen from the premises of Gaja Engineer Pvt. Ltd. No identification of the seized property was conducted by the complainant or any competent witness. No distinguishing mark, serial number or other identifying feature has been proved. Mere recovery of ordinary iron rods, without establishing their identity as the stolen property, cannot by itself connect the accused with the alleged offence.

It is further evident from the evidence of the Investigating Officer that the alleged recovery was made from a bush area near Battala, Pathardih Ground and not from the exclusive possession of either accused. Recovery from an open and accessible place, in absence of any independent corroboration, weakens the evidentiary value of such recovery.



The prosecution has thus failed to prove the essential ingredients of the offences beyond reasonable doubt. The occurrence of theft itself has not been proved through the evidence of the complainant. The identity of the alleged stolen property has not been established. The recovery is supported only by official witnesses without independent corroboration, and several material lapses in the investigation have remained unexplained. These circumstances create serious doubts regarding the prosecution case.

It is a settled principle of criminal jurisprudence that the burden always lies upon the prosecution to prove its case beyond reasonable doubt, and the accused is entitled to the benefit of every reasonable doubt. Suspicion, however strong, cannot take the place of legal proof. In the facts and circumstances of the present case, the prosecution has failed to discharge its burden. Accordingly, both the accused are entitled to the benefit of doubt and deserve to be acquitted of the charges levelled against them.

Hence; it is

ORDERED

that the accused person, namely 1.Muktar Sekh 2.Dilip Murmu are found to be not guilty of committing the offence under 303(2)/317(2) BNS, 2023 and Section 182(A) MV Act and they are hereby acquitted of the charges framed against them as per section 278 sub-section (1) of the BNSS. They are also discharged from the liability of their respective bail-bond and set at liberty. The surety is also discharged. Let the seized documents pertaining to this case if already not returned, be returned from whom seized after the lapse of the period prescribed for appeal. Seized article if any; which is not claimed by the parties shall be destroyed after expiration of the period of appeal.

Be it also mentioned here that the victim of this case has a right to prefer an appeal against this order before a competent court u/s 413 BNSS and can also seek legal assistance for such appeal from District Legal Services Authority.

Copy of this judgment of acquittal be forwarded to Secretary, DLSA, Purulia and District Magistrate, Purulia for necessary information.

Dated: 01.08.2026

Typed and corrected by me;

Judicial Magistrate 1st court
Raghunathpur, Purulia
WB01449