

**GR Case No- 282 of 2009**  
**CIS No. 594 of 2014**

**Order Dated: 29.08.2025**

Today is fixed for App

Both the accused and the Ld APP is present before this court today.

It also appears from the case record that the accused Makim Ansary and Samim @ Charka Ansary are already filed for present. Another accused Nasim @ Kala Ansary is no more alive and the same reveals from the endorsement in the chargesheet.

The matter pertains to the accused, Barood Ansary, who stands charge-sheeted under Section 392 IPC for alleged robbery. Notably, the case has remained pending since 2009. Throughout the investigation, no incriminating material or seizure was made from the accused's person or possession, nor was any specific identification by witnesses recorded. Despite a belated arrest, the prosecution has failed to produce any substantive evidence connecting him to the alleged offence.

The legal benchmark at this stage is whether a prima facie case exists, a determination resting solely upon materials presented in the charge sheet and case diary. The court must assume the prosecution's materials to be true and determine whether, taken at face value, they disclose facts necessary to constitute the alleged offence. It is neither the time nor the forum to engage in a mini trial or delve into the weight of evidence, which is reserved for full trial.

In the landmark judgment of *State of Gujarat v. Dilipsinh Kishorsinh Rao (2023)*, the Supreme Court precisely holds that at this stage, the trial court's task is to examine whether the materials disclose prima facie grounds for framing a charge, without weighing the defence or conducting a trial. Indian Kanon The same principle is reiterated in *State Anti Corruption Bureau v. P. Survaprakasam (1999)*, discharge is mandated when the charge is "groundless," and a judicial mind must be applied to the materials.

The Delhi High Court has echoed this in *X v. State & Ors.*, clarifying that while courts may sift evidence, if two views are possible, and one only leads to mere suspicion (not grave suspicion), the accused deserves discharge. CaseMine Similarly, in *Ajay Kumar & Ors. v. State of U.P. (2025)*, the court emphasized that if suspicion alone exists without grave suspicion, discharge is proper.

In the instant case, the total absence of seizure, absence of identification, and prolonged inaction since 2009 collectively show that there is no grave suspicion, or indeed, any viable suspicion, linking the accused to the alleged offence. Nor can vague or unsubstantiated allegations suffice. As held in *Rahimunnisha & Another v. State of U.P.*, the magistrate must consider broad probabilities, avoid becoming a mere post office for prosecution, and cannot indulge in a trial at the threshold.

Therefore, applying these settled legal principles, it is evident that the prosecution has failed to demonstrate even a prima facie case against Barood Ansary under Section 392 IPC. Consequently, the charge is groundless, and framing of charge is unwarranted.

Hence it is,

**ORDER**

Accordingly, **Barood Ansary is hereby discharged** from the proceedings under Section 392 IPC. He shall be released forthwith if not required in any other case. A copy of this order shall be furnished to the accused and the learned APP free of cost.

The case record stand disposed off.

Note in the relevant register and CIS.

D/C by me

JM1

Judicial Magistrate 1<sup>st</sup> Court  
Raghunathpur, Purulia