



<p><b>In the Court of Judicial Magistrate, 1<sup>st</sup> Court Neturia, Purulia</b>  Present: BASHAR NAWAZ, [J.O Code: WB01449]  [On this 06<sup>th</sup> day of March, 2026]  <b>[G.R. Case No. 127 of 2010]</b>  [CIS Registration No. 626 of 2014]  <b>CNR No.WBPU060001122010</b>  <b>(Arising out of Neturia P.S. Case No. 24 of 2010 dated 03.04.2010</b>  <b>under section 414 of IPC)</b></p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C Neturia POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	Balbir Singh @Pintu Singh
REPRESENTED BY	Bibhas Sinha

**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	03.04.2010
Date of FIR	03.04.2010
Date of Charge-sheet	31.07.2010
Charge	18.12.2025
Date of commencement of evidence	27.01.2026
Date on which judgment is reserved	06.03.2026
Date of the Judgment	06.03.2026
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 on Undergone during trial for purpose of Section 428 Cr.P.C.
1.	Pintu Singh	03.05.2010 (surrendered)	03.05.2010	414 of IPC	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)
PW-1	Dhirendranath Gorai	161

**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:**

Exhibit Number	Description	Date
NIL	NIL	NIL

• **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
NIL	NIL	NIL

**JUDGMENT**

In brief, the prosecution case is that on 03.04.2010 at about 22:35 hours, on the basis of secret information, the police came to know that a tempo bearing registration number WB-37X-0603 was transporting stolen steam coal illegally. Acting upon such information, the police intercepted the said vehicle after a hot chase. Upon search, the vehicle was found loaded with approximately one metric ton of steam coal. The driver and other persons present in the vehicle failed to produce any valid documents in support of the lawful possession and transportation of the said coal. During interrogation, it was disclosed that the accused persons along with others had been regularly involved in illegal



procurement and transportation of stolen coal for selling the same outside the area for monetary gain. Accordingly, the police seized the vehicle along with the coal and arrested the accused person Goutam Bhuia, while another accused Balbir @ Pintu Singh later surrendered before the court. After completion of investigation, the police submitted charge sheet against the accused persons under Sections 379 and 414 of the Indian Penal Code.

After completion of investigation, the Investigating Officer collected sufficient materials against the accused persons, including seizure of the motorcycle, statements of witnesses recorded under Section 161 Cr.P.C., and other connected documents. Accordingly, charge sheet was submitted against the accused persons for commission of offences punishable under the relevant provisions of law, praying that they be tried according to law.

#### **Evidence adduced**

Only one witnesses in this case have been examined and cross examined as PW01. No other witness has been examined on behalf of the prosecution. It is worthwhile to mention here that this case is pending since the year 2010 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 predecessor of this court lost the prosecution evidence 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 as per requirement of Section 354 of the Cr.P.C 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 section 414 of IPC?

#### **Decision with reason**

#### **Point number 01 and 02:**

In the present case, the accused persons have been put on trial for the alleged commission of offences punishable under Sections 379 and 414 of the Indian Penal Code. It is the settled principle of criminal jurisprudence that the burden lies upon the prosecution to prove its case beyond all reasonable doubt. The accused persons are presumed to be innocent unless such presumption is rebutted by cogent, reliable and convincing evidence. The prosecution must stand on its own legs and cannot take advantage of the weakness of the defence.



At the outset, it is necessary to examine whether the prosecution has been able to prove the essential ingredients of the offence under Section 379 IPC. To establish the offence of theft, the prosecution must prove that the property in question was movable, that it was taken out of the possession of a person without his consent, and that such taking was with dishonest intention. In the present case, though it has been alleged that steam coal was stolen, the prosecution has failed to examine any competent witness to prove the ownership or lawful possession of the alleged coal. No representative from the concerned colliery or authority has been examined to prove that the coal belonged to them or that it had been stolen from their lawful custody. Thus, the very foundation of the prosecution case regarding theft remains unproved.

Similarly, for the offence under Section 414 IPC, the prosecution must establish that the accused voluntarily assisted in concealing or disposing of stolen property knowing or having reason to believe the same to be stolen. In absence of proof that the coal was stolen property, the charge under Section 414 IPC cannot be sustained. Mere recovery of coal from a vehicle without proof of its stolen nature is not sufficient to bring home the charge. It is well settled that recovery alone does not prove the guilt of the accused unless the prosecution proves the essential link that the recovered property was stolen and that the accused had knowledge of such fact.

In the present case, the prosecution has also failed to prove the seizure in accordance with law. Independent seizure witnesses have not supported the prosecution case. The only witness examined in the present case is PW1, who has categorically stated during his examination-in-chief that he does not remember anything about the case. His cross-examination has been declined. Thus, his evidence does not support the prosecution case in any manner. It is a settled law that when the material witnesses turn hostile or do not support the prosecution case, the entire prosecution version becomes doubtful unless there is strong corroborative evidence.

Further, no Investigating Officer has been examined to prove the investigation, the seizure list, arrest, or other formal aspects of the case. Non-examination of the Investigating Officer causes serious prejudice to the accused as they are deprived of the opportunity to test the veracity of the investigation. The Hon'ble Supreme Court in *Behari Prasad v. State of Bihar* has held that non-examination of the Investigating Officer is not always fatal, but where prejudice is caused to the accused, it may vitiate the prosecution case. In the present case, such prejudice is apparent as the defence could not challenge the manner of seizure or investigation.

Moreover, there is no documentary evidence or scientific evidence on record to show that the coal seized was stolen property. No laboratory report or ownership document has been produced. The prosecution has also failed to establish the chain of custody of the seized articles. The benefit of such lapses must go to the accused.

It is also relevant to mention that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. The Hon'ble Supreme Court in *Kali Ram v. State of Himachal Pradesh* has held that if two views are possible, the one favourable to the accused must be adopted. Similarly, in *Sharad Birdhichand*



*Sarda v. State of Maharashtra*, it has been reiterated that suspicion, however strong, cannot take the place of proof.

In the present case, the evidence on record is insufficient, unreliable and does not inspire confidence. The prosecution has failed to establish the essential ingredients of the offences under Sections 379 and 414 IPC. There are glaring inconsistencies and serious lacunae in the prosecution case. The evidence available is wholly insufficient to sustain the conviction of the accused persons.

Therefore, considering the overall facts and circumstances of the case, the evidence on record, and the settled principles of criminal law, this court is of the view that the prosecution has miserably failed to prove the charges against the accused persons beyond all reasonable doubt. Accordingly, the accused persons are entitled to the benefit of doubt and deserve to be acquitted from the charges levelled against them.

Hence; it is

**ORDERED**

that the accused person, namely Balbir Singh @Pintu Singh is found to be not guilty of committing the offence under section 414 of IPC and he is hereby acquitted of the charges framed against him as per section 248 sub-section (1) of the Criminal Procedure Code 1973. he is also discharged from the liability of his 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 372 CrPC 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: 06.03.2026

Judicial Magistrate 1<sup>st</sup> Court  
Neturia, Purulia  
WB01449

Typed and corrected by me;

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