



IN THE COURT OF JUDICIAL MAGISTRATE 2nd COURT, RAGHUNATHPUR, PURULIA	
Present: Smt. Sanjukta Bhattacharya (JO Code-WB01346) [05-06-2026) GR Case No. 82024(CIS No.: 130/2026) CNR No.: WBBPU06000680-2026 TR No.: 31/2026 Presented on : 10-03-2026 Registered on : 10-03-2026 Decided on : 05-06-2026 Duration : 0 years, 2 months, 26 days	
<i>The allegation u/s- 281,106 BNS arising out of Neturia PS Case No. 193/2025 Dated 12-11-2025.</i>	
COMPLAINANT	STATE OF WEST BENGAL Arun Bauri (De facto complainant)
REPRESENTED BY	<i>Learned Assistant Public Prosecutor Sri Lalit Majee</i>
ACCUSED PARENTAGE AND RESIDENCE	Arbind Pasowan s/o Bijoy PasowanA-1, residing at village- New Ghusik Colliery, Ushagram, Chatai Dhowra , Kalipahari, Asansol Sourth PS, District- Paschim Bardhaman...A-1
REPRESENTED BY	<i>Learned Advocate Sri Sukhen Paramanik</i>

Date of Offence	10-11-2025
Date of FIR	12-11-2025
Date of Charge sheet	20-12-2025
Date of Plea Hearing	10-04-2026
Date of commencement of Evidence	05-06-2026
Date on which Judgement is reserved	05-06-2026
Date of the Judgement	05-06-2026
Date of the Sentencing order, if any	Not applicable

ACCUSED DETAILS

Rank of the Accused	Name of the 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 468 of



							BNSS
A-1	Arbind Pasowan	Surrendered on 20-11- 2025	20-11- 2025	Section 281, 106(i), 324(4) BNS,2023	Acquitted	Not Applicable	Not Applicable

LIST OF WITNESSES :

A.Prosecution:

Rank	Name	NATURE OF EVIDENCE
PW-1	Arun Bauri	Defacto complainant
PW-2	Meghnad Maity	Other witness

B. Defence witness, if any:

RANK	NAME	NATURE OF THE EVIDENCE
Not Applicable	Not Applicable	Not Applicable

C. Court witnesses, if any:

RANK	NAME	NATURE OF THE EVIDENCE
Not Applicable	Not Applicable	Not Applicable

LIST OF PROSECUTION EXHIBITS :

Sr. No.	Exhibit Number	Description
1.	Ext P-1	Entire FIR

B. Defence:

Sr. No.	Exhibit Number	Description
Not Applicable	Not Applicable	Not Applicable



C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Not Applicable	Not Applicable	Not Applicable

D. Material objects:

Sr. No.	Material object number	Description
Not Applicable	Not Applicable	Not Applicable

JUDGEMENT

1. PROSECUTION CASE:

1.1 The prosecution case arises from a First Information Report (hereinafter referred to as “FIR”) complaint lodged by the de facto complainant (herein after referred to as D/C) Arun Bauri s/o Late Akul Bauri of village Digha under Neturia PS, District- Purulia to the effect that, on 10-11-2025 at about 17.50 hrs to 18.00 hrs, as and when his nephew namely one Panu Bauri was returning from Harmandih side towards his village , riding one motorcycle bearing registration No. WB 81B/ 1134 and while he reached near Pappu Hotel on Purulia-Barakar pitch road (SH-5) , at that time, one four wheeler vehicle bearing registration No. WB 37 H/6240 coming from opposite side, dashed his nephew’s motorcycle due to rash and negligent driuving , resulting in greivous injury of his nephew. It is the further case of prosecution, one eye witness namely one Meghnath Maity s/o Samir Maity arrived at the spot and the nephew of the complainant shifted the seriously injured Panu Bauri to Harmandih BPHC , where the on duty medical officer declared him dead. Hence, this case.

1.2 Over the complaint one specific case being Neturia PS Case No. 193/2025 dtd.12-11-2025 u/s- 281,106(1) BNS,2023, was registered against the driver of four wheeler bearing registration No. WB 37H/6240.

2. INVESTIGATION AND FILING OF CHARGE-SHEET:

2.1. After proper investigation, Police submitted charge Sheet no. 157/2025 dated 20-12-2025 against the accused u/s- 281,106(i),324(4) BNS 2023.



2.2. The case was taken cognizance by Learned Additional Chief Judicial Magistrate, Raghunathpur as on 27-12-2025 and the record was transferred to this Court for disposal.

3. APPEARENCE AND PLEA HEARING :

3.1. On perusal of the materials on record it appears that, after the case record been transferred to this Court, the present accused person was examined under sections-274 BNSS,2023. The substance of accusation was read over and explained to the accused of which he pleaded “not guilty” and claimed to be tried. Such being the case, the present accused was charged for commission of offences punishable u/s-281 BNS,2023.

4. COMMENCEMENT OF TRIAL AND EXAMINATION OF ACCUSED U/S 351 BNSS:

4.1. After plea hearing, the trial commenced by taking evidence of only two prosecution witnesses. CSW-1/ Arun Bauri and CSW-2/Meghnad Maity respectively were examined as PW-1 and PW-2 and discharged. Thereafter, completion of evidence, accused was examined u/s-351 BNSS, 2023 and he pleaded innocence and declined to adduce any evidence on his behalf. DW stands closed. Argument is heard.

5. POINTS FOR DETERMINATION:

1. Whether the accused person has committed offence u/s 281, 106(1),BNS, 2023?
2. Whether the prosecution has proved the guilt of the accused person beyond reasonable doubt?

6. DECISION WITH REASONS:

6.1 At the very outset, it is to be borne in mind, be it the case of the prosecution or the defence, there should undoubtedly exist sufficient materials in the form of direct evidence along with corroborating evidence, thereby forming should be a continuous link in the chain of circumstantial evidence, so that the Court may arrive at a just and proper conclusion in a case. Both the points are conjointly discussed for sake of brevity and convenience.

6.2 Scanning the evidence of P.W-1, it comes up that the D/C man happens to be the uncle of the deceased and merely narrated that, on 10-11-2025 at 5.50 PM one road accident took place near one Pappu Hotel on SH-5 and at the relevant point of time , his nephew was coming towards his house and then one TATA ACE bearing No. WB 376240 dashed him from front side by rash and negligent speed leading to subsequent greivous injuries of the injured lastly leading to his death. In his cross examination, PW-1 adduced that, he was physically not present at the relevant point of time but only later came to know about the motorcycle from CCTV footage. PW-1 failed to identify the accused as well in details the mode and manner of the accident. The immediate next witness



happens to one Meghnath Maity , and his name resurfaces as the one from whom PW-1 heard about the news of alleged accident. On the contrary, the evidence of PW-2 failed to strengthen the prosecution case as the witness faltered at the time of trial. Appreciating his evidence, it came up PW-2 divulged that, four to five months from the date of his evidence, at 4.30 PM, alleged road accident took place and his co-villager Panu suffered road accident and he was rushed to Harmandih BPHC and subsequently succumbed to his injuries. Save and except them , no other private witness or else any motor vehicle expert or the investigating officer ,were examined by the prosecution. Appreciating the evidence further , it appears that, neither any of the prosecution witnesses failed to utter the registration number of the offending motor vehicle and name of the accused. As none of the witnesses are direct eye witnesses to the scene of crime , the accused remain unidentified. Moreover , it is pertinent to note that , prosecution failed to establish by way of any cogent evidence that, alleged driver was not acting with due care and caution. Be it noted that, an accident, by itself, does not automatically prove criminal negligence; it must be shown that the action was reckless. Lastly , in the absence of admission of mechanical examination report it cannot be either way established that, the alleged road accident was caused by an unforeseeable, sudden mechanical failure of the vehicle rather than human error. To further add, even the alleged Place of Occurrence remain unidentified.

6.3 *Such being the case and in absence of any cogent evidence from the prosecution side to satisfy that, death of victim deceased has been the direct result of rash and negligent act of accused person, it is appears to me that there is no such sufficient ground to prove the genuineness of allegations against the accused person. The ingredients of the offence punishable under section 281, 106(1) BNS is not thus, established by any credible evidence. In these circumstances, this Court has no other way but to hold the accused person innocent and accordingly acquit him from the charge of this case.*

Hence, it is

ORDERED

that the accused person namely, (A-1) Arbind Paowan is found “not guilty” of having committed an offence punishable only under section 281 , 106(1) BNS,2023, is acquitted of the said offences as per provisions of 278 BNSS,2023. The surety be discharged from the bail bond.

The defacto complainant man may prefer as per Section-413 BNSS and if necessary, avail free legal assistance through District Legal Service Authority, Raghunathpur, Purulia.

Copy of this judgment be intimated to Sub-Divisional District Magistrate, Raghunathpur, Purulia as well to SDLSA, Raghunathpur, Purulia.



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Let the seized D/L being WB 3720200003889 be returned back to the accused at once on proper identification.

Seized alamats, if any, be disposed of after the statutory period of appeal.

Thus, the case is disposed off.

Note in register.

Let a copy of this judgment be uploaded in CIS at once.

Dictated and Corrected by me.

Sd/-

Judicial Magistrate, 2nd Court,

Raghunathpur , Purulia

Dictated and Corrected by me.

Sd/-

Judicial Magistrate, 2nd Court,

Raghunathpur , Purulia