

**Form A**

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
RAGHUNATHPUR, DISTRICT - PURULIA**

**Present :** Sarmistha Ganguly  
Additional Chief Judicial Magistrate,  
Raghunathpur, Purulia

**Date of the Judgment: 11<sup>th</sup> day of May, 2026**

**Case No. GR 870 of 2024 (Registration No. 249/2025)**

**(CNR No.- WBP060003702025 )**



(Arising from Santhadih P.S Case No. 138/2024 dated 14.12.2024 u/s.  
137(2)/140(3) of BNS)

Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	<b>1. Janardan Kumbhakar</b>
Represented by	Name of the Advocate : Shri Lalit Majee

**FORM B**

Date of Offence	14.12.2024
Date of F.I.R.	14.12.2024
Date of Police report	31.12.2024
Date of framing Charge against the accused	12.02.2026
Date of commencement of Evidence	11.05.2026
Date of examination of the accused u/s. 313 of the Cr.P.C.	11.05.2026
Date on which Judgment is reserved	
Date of Judgment	11.05.2026
Date of the Sentencing Order, if any	

**Accused details:**

Rank of the Accused	Name of Accused	Date of arrest/surrender	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.	<b>Janardan Kumbhakar</b>	18.12.2024	24.12.2024	u.s.137(2)/140(3) BNS	Acquitted		

**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 WITNESS)
P.W. 1	Kailash Kumbhakar	Defacto complainant
P.W. 2	Neha Kumbhakar	Victim girl

**B. Defence Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1		
DW 2		

**C. Court Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1		
CW 2		

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

**A. Prosecution :**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	Exhibit 1 as a whole by PW1	Written complaint
2.	Exhibit 2 as a whole by PW2	Statement recorded by the Ld. Magistrate u/s. 164 Cr.P.C.

**B. Defence:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	Exhibit D-1 / D.W.1	
2	Exhibit D -2 / D.W.2	

**C. Court Exhibits :**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Exhibit C-1 / C.W.1	
2	Exhibit C-2 /C.W.2	

**D. Material Objects:**

<b>Sr. No.</b>	<b>Material Number</b>	<b>Object</b>	<b>Description</b>
1	Mat Exhibit -1		
2	MO 2		

## **J U D G M E N T**

### **Facts of the Prosecution Case :**

The prosecution case has its genesis in a written complaint lodged by the defacto complainant **Kailash Kumbhakar** before the I/C Santhaldih P.S on 14.12.2024 to the effect that on the same date at about 03:30 P.M. in the afternoon his daughter namely Neha Kumbhakar had left the house along with another girl of the same village namely Sunita Kumbhakar and had thereafter not returned to her residence till late at night and in spite of searching for her at all possible places, the daughter of the complainant could not be traced out. It has further been alleged by the complainant that he has reasons to believe that the accused namely Janardan Kumbhakar has kidnapped his daughter with some ulterior motive and has confined her in some secret place. Hence, the present written complaint had been lodged by the complainant for the alleged acts committed by the accused person on the relevant date.

After receipt of the aforesaid complaint, the I/C of **Santhaldih P.S** started **Santhaldih P.S Case No. 138/24 dated 14.12.2024** under sections **137(2)/140(3) of BNS** against the FIR named accused person which culminated into the submission of charge-sheet against the above named accused person for the offence punishable under sections **137(2)/140(3) of BNS**.

Thereafter, the sole accused person has been examined under section 274 of BNSS for the offence punishable under sections **137(2)/140(3) of BNS** and the substances of the accusation for the offence punishable under sections **137(2)/140(3) of BNS** have been read over and explained to the accused person in his local language, to which the accused person have pleaded not guilty and have claimed to be tried and hence, this trial.

The sole accused person has been examined u/s. 351 of BNSS. The accused person has declined to adduce any evidence in his favour.

### **Decision with Reason**

The prosecution has produced only two witnesses to establish the charges levelled against the accused person. The defacto

complainant in the present case namely, Kailash Kumbhakar **has been examined as PW-1** who specifically stated during his evidence that he had lodged the complaint in this case against the accused person on account of certain misunderstandings and at present his daughter Neha Kumbhakar is residing at his residence and he is having no further allegations against the accused person.

In his cross examination, the complainant has categorically admitted the fact that he had come to learn after lodging complaint in this case that his daughter had gone to the house of her maternal uncle (Mama) on the alleged date of the incident.

The victim girl in the present case namely Neha Kumbhakar has been examined as PW2 on behalf of the prosecution who stated that on the alleged date she had been to the house of her maternal uncle and that her father had lodged the complaint in this case on account of certain misunderstandings. It further appears that the said witness had given her statement to the Ld. Magistrate u/s. 183 of BNS and has categorically stated that on the alleged date, she had left her residential house on 14.12.2024 and had gone to the residence of her maternal uncle where she had remained till 17.12.2024 and that she had voluntarily left her father's house on the alleged date and that she had been recovered by the police from the bus-stand near the house of her maternal uncle.

No other witness including the I.O has been examined by the prosecution on the verbal prayer of the Ld. APP as no specific allegation has been made against the accused person either by the de facto complainant or by the victim girl in their deposition made before this Court.

On careful scrutiny of the evidence on record including the deposition of the complainant and his daughter who is the victim in the present case, it reveals to this Court that the complainant has specifically stated during his evidence that he had lodged the complaint in this case against the accused person on account of certain misunderstandings that

his daughter had allegedly kidnapped by him when the actual fact is that the victim had left her father's house and had gone to her maternal uncle's residence on the alleged date. Further it also reveals that the complainant is at present having no allegations against the accused person. It also appears to this Court that the facts narrated by the complainant have been corroborated by his daughter who is the victim in the present case and she has also clearly stated that her father has lodged the complaint in this case on account of certain misunderstandings and that on the alleged date she had voluntarily left her residential house and had gone to the house of her maternal uncle. It also appears that the same fact has been stated by the victim in her statement recorded by the Ld. Magistrate u/s. 183 of BNSS which has been marked as Exhibit 2 as a whole during her evidence as PW2.

Therefore, in consideration of the aforesaid facts and circumstances, this Court has no hesitation to hold that the prosecution has hopelessly failed to establish the charges and accusations leveled against the accused person for the offences punishable under section **137(2)/140(3) of BNS**. Accordingly, the sole accused person above named is liable to be acquitted from the present case as well as from all the charges and accusations leveled against him under section 271 of BNSS.

**Hence, it is,**

**ORDERED**

**that the sole accused person namely, Janardan Kumbhakar is found not guilty of the offence punishable under sections 137(2)/140(3) of BNS and accordingly, the sole accused person above named is hereby acquitted from the present police case as well as from all the charges and accusations leveled against him, in terms of the provision enumerated under section 271 of BNSS.**

**The sole accused person above named is hereby set at liberty and stand discharged from his bail bond.**

D/C.

Sd/-

Sd/-  
(Sarmistha Ganguly)

A.C.J.M., Raghunathpur

Additional Chief Judicial Magistrate,  
Raghunathpur, District - Purulia