

FORM - A

<p>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE 2ND COURT, RAGHUNATHPUR, DISTRICT - PURULIA Present : <i>Debayan Ganguly</i> Additional Chief Judicial Magistrate 2nd Court Raghunathpur, Purulia J.O. Code: WB01313 Date of the Judgment: 17th day of March, 2026 Case No. GR: 196/22 TR: 124/22 (CIS Registration No. 354/2022) (CNR No.- WBPU06-000507-2022) (Arising from Santuri P.S Case No. 20/22 dated 30/03/2022)</p>	
Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	Dinanath Mondal
Represented by	Name of Advocate: Sunil Baran Das

FORM - B

Date of Offence	30.03.2022
Date of F.I.R.	30.03.2022
Date of Police report	30.04.2022
Date of framing Charge/Plea against the accused	17.03.2023
Date of commencement of Evidence	31.05.2023
Date of examination of the accused u/s. 313 of the Cr.P.C.	17.03.2026
Date on which Judgment is reserved	N/A
Date of Judgment	17.03.2026
Date of the Sentencing Order, if any	N/A

Accused details:

Rank of Accused	Name of the 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
A1.	Dinanath Mondal	12.04.22	12.04.22	U/s- 379/411/ 414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act	Acquitted	N/A	N/A

FORM - C**A. Prosecution:****LIST OF PROSECUTION /DEFENCE /COURT WITNESSES**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
W1.	SI Subrata Patra	
W2.	Sadhan Chandra Kar	
W3.	Mangal Murmu	
W4.	Ananda Sutradhar	

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

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

LIST OF PROSECUTION /DEFENCE /COURT EXHIBITS**A. Prosecution:**

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1	P-1	The seizure list dated 30/03/22
2	P-1/1	The signature of P.W-1 in the seizure list
3	P-2	The written complaint
4	P-2/1	The signature of P.W-1 in the written complaint
5	1/2	The signature of P.W-2 in the seizure list dated 30/03/22
6	P-1/3	The signature of P.W-3 in the seizure list dated 30/03/22

B. Defence:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

C. Court Exhibits :

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

D. Material Objects:

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

JUDGMENT

This is a case u/s- 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act. The prosecution case in short is that on 30/03/22 the complainant along with force were on mobile duty. At about 06:35 PM he received a source information that a tractor loaded with sand was coming from Mohanpur village. Thereafter they went near Mohanpur village and found one tractor loaded with approximately 100 cft sand was coming. Seeing them the driver of the vehicle fled away. The number of the tractor was WB 81 1949. The complainant did not find any valid documents in respect of the sand loaded in it. Thereafter the tractor and sand were seized and taken to Santuri P.S and the complaint was lodged.

On the basis of such complaint, Santuri P.S. chalked out formal FIR being no. 20/22 dt. 30/03/2022 u/s 379/411/414/120B of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 against the accused person.

Thereafter, the case was investigated by the PSI of police Mrinmay Bhakta of Santuri P.S. who after completion of the investigation, submitted charge sheet being no.22/22 dt. 30/04/22 u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act against the accused person.

Thereafter, on 17/03/2023 charge was framed u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act against the accused person to which he pleaded not guilty and claimed to be tried.

Thereafter, the prosecution started to examine c/s witnesses and the prosecution had examined the following witnesses:-

P.W. 1 - SI Subrata Patra.

P.W. 2 - Sadhan Chandra Kar.

P.W. 3 - Mangal Murmu.

P.W. 4 - Ananda Sutradhar.

After closure of the prosecution evidence, the accused person was examined u/s 313 Cr.PC. As no defence witness was adduced, argument was heard for both parties.

POINTS FOR DETERMINATION

- a) Whether the prosecution has been able to prove the offence u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act against the accused person beyond the shadow of all reasonable doubts?

DECISION WITH REASONS

Having heard both sides and after perusal of the materials on record now let me scan the evidence from the case record.

P.W. 1 SI Subrata Patra deposed that On 30/03/22 he was posted at Santuri P.S as SI of police. On that day he lodged complaint in Santuri P.S. The incident occurred at Mohanpur village at about 18:35 hrs. On that day he received a source information that a tractor being no. WB 81 1949 along with a trolley loaded with sand was standing in the village. When he reached there, the driver fled away leaving the vehicle. He searched the vehicle but could not find any valid document. Then he

seized the vehicle along with sand vide seizure list dated 30/03/22 which was marked as Exhibit-P-1 and his signature in the seizure list was marked as Exhibit-P-1/1. Then he took the tractor to the P.S and lodged the complaint which was marked as Exhibit-P-2 and his signature in the same was marked as Exhibit-P-2/1.

During his cross examination he admitted that many people reside at Mohanpur village and it has not been mentioned in the FIR that whose sand was stolen. He also admitted that it has not been mentioned in the FIR that who accompanied him on that day and there was no signature of any public witness in the seizure list dated 30/03/22. He also failed to recollect the boundary of the P.O.

P.W. 2 Sadhan Chandra Kar deposed that on 30/03/22 he was posted at Santuri P.S as constable and was in mobile duty along with SI Subrata Patra and C-750 Mangal Murmu. The officer got an information that a tractor loaded with sand was coming from Mohanpur village. He informed the matter to the O/C. As per the direction of the O/C they went near Mohanpur village. Seeing them the driver of the tractor fled away. The officer checked the vehicle for valid documents but could not find any. Thereafter the vehicle was seized and he signed in the seizure list which was marked as **Exhibit-P-1/2**. He failed to recollect the number of the tractor.

During his cross examination he failed to state the CC number as well as the number of the vehicle. He failed to state the exact population of Mohanpur village. He admitted that apart from the police personnel no other local people signed in the seizure list.

P.W. 3 Mangal Murmu deposed that on 30.03.22 he was posted at Santuri P.S as constable and was in mobile duty along with SI Subrata Patra and C-1452 Sadhan Chandra Kar. The officer got an information that a tractor loaded with sand was coming from Mohanpur village. Seeing them the driver of the tractor fled away. The officer checked the vehicle for valid documents but could not find any. Thereafter the vehicle

was brought to P.S and he signed in the seizure list which was marked as **Exhibit-P-1/3**.

P.W. 4 Ananda Sutradhar deposed that he has no idea regarding the incident.

From the evidence on record it appears that P.W.4 i.e. the only private witness did not support the prosecution case. Both P.W.2 and P.W.3 failed to state the number of the tractor though they claimed to be present in the P.O along with P.W.1.

P.W.1 i.e. the de facto complainant failed to state the topography of the P.O. as well as the name of the accused person from whom the tractor loaded with sand was allegedly seized. He also did not take any sample of sand prior to such seizure. He also did not send any sample for chemical examination.

Not only that, there is no independent witness regarding the search and seizure. It is hard to believe that no independent person was available near such a populated village during the evening time. These factors give rise to genuine suspicion regarding the prosecution case.

It is the golden principle of the criminal jurisprudence that the accused must get the benefit of doubt and no conviction should be made on the basis of mere surmise and conjecture. In the present case the prosecution story is full of loopholes and therefore it is not sufficient to bring home conviction.

Accordingly, there is no evidence that the accused person committed theft of sand and was dealing with the same illegally.

Under the position of evidence I do not find the accused person guilty of the charge brought against him. In other words, the prosecution has miserably failed to prove the offence u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act against the accused person beyond the shadow of all reasonable doubts.

Hence it is

ORDERED

that the accused person namely Dinanath Mondal is not found guilty of the offence u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals Act 1957 and 181 MV Act and he is acquitted in terms of section 248(1) of Cr.PC and is also discharged from the bail bond as furnished by him.

The instant case stands disposed off.

Seized alat, if any, be disposed off in accordance with law after expiry of the appeal period.

Note in the TR and upload the judgment in the CIS.

Dictated and corrected

by me:

Sd/-

Additional Chief Judicial Magistrate,

2nd Court,

Raghunathpur, Purulia.

Sd/-

Additional Chief Judicial Magistrate,

2nd Court,

Raghunathpur, Purulia.