

FORM - A

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
2ND COURT, RAGHUNATHPUR, DISTRICT - PURULIA**

Present : *Debayan Ganguly*

Additional Chief Judicial Magistrate 2nd Court Raghunathpur, Purulia

J.O. Code: WB01313

Date of the Judgment: 30th day of March, 2026

Case No. GR: 852/18

TR: 177/23

(CIS Registration No. 474/2023)

(CNR No.- WBPU06-000689-2023)

(Arising from Santuri P.S Case No. 80/18 dated 26/12/2018)

Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	Rahul Prasad
Represented by	Name of Advocate: Sunil Baran Das

FORM - B

Date of Offence	01.12.2018
Date of F.I.R.	26.12.2018
Date of Police report	31.03.2019
Date of framing Charge/ Plea against the accused	26.02.2025
Date of commencement of Evidence	08.05.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	30.03.2026
Date on which Judgment is reserved	N/A
Date of Judgment	30.03.2026
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.	Rahul Prasad	28.12.18	28.12.18	U/s- 279/304A IPC	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.	Iswar Mahato @ Tapan	
W2.	Puspa Mahato	
W3.	Niranjan Mahato	
W4.	Champa Mahato	
W5.	Guhiram Ruidas	

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.	1	Written complaint
2.	1/1	The signature of P.W.4 in the written complaint

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 279/304A of IPC. The prosecution case in short is that on 01/12/18 at about 11:10 PM the complainant along with her husband were going to Rasmela from Kalipahari village. In the midway a motor cycle being no.DL3SAY 2938 came from behind and dashed her husband near Hansdima more. As a result, her husband received injury and was taken to Saltora hospital. From there he was referred to Bankura Medical College where he died on 02/12/18.

On the basis of such complaint, Santuri P.S. chalked out formal FIR being no. 80/18 dt. 26/12/2018 u/s 279/304A of IPC against the accused person.

Thereafter, the case was investigated by the ASI of police Biswarup Ray of Santuri P.S. who after completion of the investigation, submitted charge sheet being no. 22/19 dt. 31/03/19 u/s 279/304A of IPC against the accused person.

Thereafter, on 26/02/2025 plea was made u/s 279/304A of IPC 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 - Iswar Mahato @ Tapan.

P.W. 2 - Puspa Mahato.

P.W. 3 - Niranjana Mahato.

P.W. 4 - Champa Mahato.

P.W. 5 - Guhram Ruidas.

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 279/304A of IPC 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 Iswar Mahato @ Tapan deposed that his sister in law lodged complaint in Santuri P.S and the incident occurred on 01/12/18 at about 11:00 PM near Hansdima more. On that day they were returning from fair and at that time a bike came from behind and dashed the husband of the complainant. They took him to Saltora hospital wherefrom he was referred to Bankura Medical College where he died. But he failed to state the number of the bike.

P.W. 2 Puspa Mahato deposed that her sister lodged complaint in Santuri P.S and the incident occurred in 2018 at about 11:00 PM near Hansdima more. On that day they were going to a fair and at that time a bike came from behind and dashed the husband of the complainant Rabi Mahato. He received injury in his head and was taken to Saltora hospital wherefrom he was referred to Bankura Medical College where he died.

P.W. 3 Niranjan Mahato deposed that the complainant is the wife of his nephew. His nephew Rabilochan Mahato died in an accident. He failed to state anything more regarding the incident.

P.W. 4 Champa Mahato deposed that she lodged complaint in Santuri P.S and the incident occurred 8 - 9 years ago at about 11:10 PM at Kalpahari Hansdima more. On that day she, her husband along with some other people were walking through the road and a bike came from behind and dashed her husband. Her husband received bleeding injury in the back side of her head and became senseless. He was taken to

Saltora BPHC by her brother in law and some other people and the complainant returned home. From there he was referred to Bankura Medical College where he died on the next day. But she failed to state the number of the vehicle and the name of the driver. The FIR was marked as Exhibit-P-1 and her signature in the same was marked as Exhibit-P-1/1.

During her cross examination she stated that she stay at Amdiha under P.S Kashipur which is situated at a long distance from Kalipahari. She failed to state the name of the people present there.

P.W. 5 Guhram Ruidas deposed that the husband of the complainant Rabi Mahato died in an accident in 2018 at about 10:00 PM at Hansdima. The complainant, her husband and some relatives were going to a village fair. Hearing about the incident he went to the spot and found the husband of the complainant lying on the road who was taken to Saltora BPHC. From there he was referred to Bankura Medical College. Subsequently, he came to know that the husband of the complainant died. The accident was caused by a motor cycle but he failed to state the number of the motor cycle and the name of the driver.

It appears from the evidence on record that none of the prosecution witnesses became able to state the number of the offending vehicle as well as the name of the driver. P.W.2, P.W.3 and P.W.5 were not present at the P.O at the time of the accident and therefore their evidence is hearsay in nature. Though P.W.1 and P.W.4 were the eye witnesses to the incident but none of them stated that the accused caused the accident by driving the motor cycle in rash and negligent manner.

So, there is no proof that the accused was driving the offending vehicle at the relevant point of time. Therefore, there is no evidence that the husband of the complainant died due to rash and negligent act of the accused.

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 failed to prove the offence u/s 279/304A of IPC against the accused person beyond the shadow of all reasonable doubts.

Hence it is

ORDERED

that the accused person namely Rahul Prasad is not found guilty of the offence u/s 279/304A of IPC and he is acquitted in terms of section 255(1) of Cr.P.C. 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.