

Form A

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

Present : Sarmistha Ganguly
Additional Chief Judicial Magistrate,
Raghunathpur, Purulia
J.O. Code- WB01062

Date of the Judgment: 22nd day of April, 2026

**Case No. GR 351/2025 (Registration No. 586/2025)
(CNR No.- WBPU060008862025)**



(Arising from Raghunathpur P.S Case No. 65/2025 dated 10.05.2025
u/s. 281/106(1) of BNS)

Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	1. Kajal Sarkar
Represented by	Name of the Advocate : Shri Sukhen Paramanik

FORM B

Date of Offence	30.04.2025
Date of F.I.R.	10.05.2025
Date of Police report	30.06.2025
Date of framing Charge against the accused	22.01.2026
Date of commencement of Evidence	11.02.2026
Date of examination of the accused u/s. 313 of the Cr.P.C.	22.04.2026
Date on which Judgment is reserved	
Date of Judgment	22.04.2026
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	Section imposed	Period of Detention undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Kajal Sarkar	19.05.2025	19.05.2025	u.s 281/106(1) 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	Sadhucharan Mahato	De facto complainant
P.W. 2	Debdas Modak	Independent witness
P.W. 3	Manik Gorain	Independent witness
P.W. 4	Prasanta Sarkar	Independent witness
P.W. 5	Amiyo Banerjee	Independent witness
P.W. 6	Raju Gorain	Independent witness

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 :

Sr. No.	Exhibit Number	Description
1.	Exhibit 1/ P.W-1	Written complaint lodged by the de facto complainant

B. Defence:

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

C. Court Exhibits :

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

D. Material Objects:

Sr. No.	Material Number	Object	Description
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 Sadhucharan Mahato before the I/C, Raghunathpur P.S on 10.05.2025 to the effect that on 30.04.2025 at about 02:30 P.M. in the afternoon when the wife of the younger brother of the complainant namely Kalpana Mahato was riding on a motor-cycle bearing registration number JH 09L 5763 which was being driven by one Sibaprasad Mahato, she was dashed by another motor-cycle which was being driven by the accused person having registration number JH 10CZ 0569 in a rash and negligent manner and with excessive speed on the Cheliyama Raghunathpur Road near a petrol pump and on account of the said accident, the victim had sustained serious injury on her person and had been at first taken to Banda BPHC and thereafter to Salka Hospital and subsequently to Bankura Medical College and also SSKM Hospital, Kolkata where the victim had succumbed to her injury on 02.05.2025 at about 09:00 P.M. at night. Hence, the present written complaint has been filed by the complainant in respect of the aforesaid alleged acts committed by the accused persons along with a prayer for punishing them as per the existing provisions of law.

On receiving the complaint over the incident, the Inspector- in Charge of Raghunathpur police station started **Raghunathpur P.S Case No. 65/2025 dated 10.05.2025** under sections **281/106(1) BNS** against the sole accused person above named which culminated into the submission of charge-sheet against the said accused person for the offences punishable under sections 281/106(1) of BNS.

Thereafter, the sole accused person has been examined u/s. 274 of BNSS for the offences punishable u/s. 281/106(1) of BNS. The substance of accusation u/s. 281/106(1) of BNS have been read over and explained to the sole accused person in his local language, to which the accused person has individually pleaded not guilty and claimed to be tried and hence, this trial.

After closing the evidence of the prosecution, the sole accused person has been examined u/s. 351 of BNSS wherein the accused person has individually declined to adduce any defence witness. The defence plea, as appearing from the trends of cross examination of the prosecution witnesses and examination of the accused person under section 351 of BNSS and the submission of the Ld. Defence Counsel, is bearing the innocence of the sole accused person above named.

Points for Consideration

(1) Did the accused person commit the offence punishable under section **281/106(1) of BNS** ?

Decision with Reasons

The prosecution has produced six witnesses to establish the charges leveled against the accused person. The defacto complainant in the present case, namely **Sadhucharan Mahato (P.W.-1)** has stated in his deposition that he had lodged the complaint in the present case at Raghunathpur P.S. which has been typed as per his instruction and that he had put his signature on the said document after going through its contents (written complaint lodged by the complainant marked as Exhibit 1 as a whole).

The complainant had further stated that the alleged incident had occurred in the last part of the Bengali month of Baisakh of the previous year at about 02:30 to 03:00 P.M. in the afternoon and on the said date, the wife of the brother of the complainant had been dashed by a four wheeler while she was standing near a petrol pump at Cheliyama. The complainant had further stated that the victim had sustained serious injury on her person due to the accident and had been at first taken to Salka Hospital and then to Bankura Medical College & Hospital and lastly to PG Hospital at Kolkata where she had expired. The complainant had unable to state the registration number

of the offending vehicle or the name of the driver who was driving the same on the alleged date.

In his cross-examination, it has been specifically admitted by the complainant that he had gone to the hospital after hearing about the alleged incident and had not been present at the P.O. during its occurrence.

Five other independent witnesses namely one Debdas Modak, Manik Gorain, Prasanta Sarkar, Amiyo Banerjee and Raju Gorain have been examined by the prosecution as PW2, PW3, PW4, PW5 and PW6 respectively but none of the said witnesses were acquainted with the complainant in the present case or could state anything regarding the facts and circumstances leading to the institution of the present case by the complainant.

No other witness including the I.O. or the Medical Officers have been examined on behalf of the prosecution in the present case.

On careful perusal of the evidence on record including the deposition of the de facto complainant namely Sadhucharan Mahato who has lodged the complaint in the present case at Raghunathpur P.S., it reveals to this Court that the complainant had been unable to identify the accused person as the driver of the offending vehicle which had dashed the deceased victim on the alleged date of the incident. Further the complainant had also not been able to state the registration number of the offending vehicle during his examination before this Court though the said number had been mentioned by him in the written complaint lodged by him before this Court.

It further reveals on going through the evidence on record that five other independent witnesses had been examined by the prosecution but the said witnesses had failed to state anything regarding the facts and circumstances of the present case to correctly

corroborate the contents of the FIR lodged by the complainant or his deposition made before this Court.

It also reveals that the I.O. has not been produced as a witness on behalf of the prosecution in this case and in the absence of the evidence of the I.O., it cannot be correctly ascertain as to whether proper investigation has been made by him before submission of Charge-Sheet against the accused person u/s. 281/106(1) of BNS.

Considering the four corners of foregoing discussions, 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 sections **281/106(1) of BNS** and 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 278(1) of BNSS.

Hence, it is,

ORDERED

that the sole accused person namely Kajal Sarkar is found not guilty of the offences punishable under section 281/106(1) 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 278(1) of BNSS.

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

D/C.

Sd/-

A.C.J.M., Raghunathpur

Sd/-

(Sarmistha Ganguly)

Additional Chief Judicial Magistrate,
Raghunathpur, District - Purulia