

GR. Case No. 795/2025 (CIS 41/2026)

CNR :WBPU06000662026

Present : Smt. Sanjukta Bhattacharya

Judicial Magistrate 2nd Court

Raghunathpur , Purulia

JO Code: WB01346

Order dated 15-07-2026

Today is fixed for discharge petition hearing .

Both accused on CB takes step.

Ld APP is present .

Ld Defense Counsel files photocopies of some documents supported by way of firstly.

Seen by Ld. APP. Let the same be kept with record.

Record is now taken up for hearing. Heard submission of both sides at length.
Considered.

Now, on close perusal of the record it comes up that, the present case been initiated **u/s 126(2),115(2),351(3) and 3(5) BNS** against the both accused. The instant petition for the discharge been filed by the accused side on 25-02-2026 . At the very outset, it can seen that, unlike in warrant triable cases, where there is proper statutory framework in place for discharge of accused, in summons triable cases instituted otherwise than upon private complaints which would include cases based on police report, power to discharge the accused can be invoked under the provisions of Section 274 BNSS, if there be no sufficient allegations or materials to justify continuance of proceedings for an offence. For sake of better understanding, Section 274 BNSS is reproduced hereunder: “When in a summons-case the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked whether he pleads guilty or has any defence to make, but it shall not be necessary to frame a formal charge:Provided that if the Magistrate considers the accusation as groundless, he shall, after recording reasons in writing, release the accused and such release shall have the effect of discharge”.

Now, what boils from this immediate preceding paragraph, there lies the term “release” and not use of nomenclature discharge. Perused closely the instant petition where there lies prayer for discharge specifically under section 239 of BNSS .Be it noted Section 239 of BNSS, 2023 is analogous to Section 216 of the old CrPC which empowers any Court to alter or add to a criminal charge at any time before the final judgment is pronounced.

Now, upon bare perusal of FIR complaint as well delving through materials in CD, it can be gathered that, prima facie allegation been casted upon both the accused, who happens to be wife and biological son in relation to D/C man. The allegation pertains to physical assault upon person of D/C by throttling neck as well assault by means of cricket bat by both mother- son accused. Ld Defense Counsel in particular draws the kind attention of the Court to the point that , accused (A-1) /Debapriya Mandal is barely 19 years old and is a JEE aspirant . At this stage, considering his youth and career prospective, criminal charge against him would not

yield any healthy outcome . Besides , Ld Counsel advanced the plea , no incriminating material prima facie is lying against the alleged involvement of the said accused in this instant matter.

Now, from the ground stated in the discharge petition as well the substance of the submission advance by Learned Defense advocate that the accused persons been falsely implicated in this case, cannot at this stage stands enough as cogent ground for drawing any inference pointing towards discharge. It is further to be noted, that, at the time of plea hearing marking the advent of any criminal trial, the probative value of the material on record has to be gone into and the evidence is to be weighed only for the limited purpose whether or not prima facie case had been made out against the accused. I am of the view that whether or not accused has been actually involved or not in the commission of the offence, can be well adjudged by going through the pros and cons of evidence at the trial and not beforehand.

Henceforth, in view of the aforesaid reasons, the prayer for discharge u/s 239 BNSS filed by the accused dated 25-02-2026 is considered and rejected on contest but without any order as to costs.

Later,

As of today, both accused on CB are found present.

Now, the case record is taken up for plea hearing in presence of Ld. Advocate for the accused.

Perused the pertinent prosecution papers and the materials on record available at this stage.

It appears that prima facie case under **Sections- 126(2),115(2),351(3),3(5)BNS** have been made out against both the accused. The substance of accusation under the above noted sections have duly been read over and explained to them in their vernacular language to which they both pleaded "not guilty" and claimed to be tried in open Court on being examined under section-274 BNSS.

Upon close examination of the order-sheets and considering the submission of the Ld. Defence Counsel and with the consent of the Prosecution side, this Court at this stage, finds for proper and effective adjudication, the schedule for examination of the charge-sheeted witnesses is required to be framed.

The following schedule of evidence of witness must be strictly adhered and **no adjournment application would be entertained by this court in case of absence of witness:-**

- 1) Evidence of CSW-1 as on 05-08-2026.
- 2) Evidence of CSW-2, CSW- 3 and CSW-4 as on 06-08-2026.
- 3) Evidence of CSW-5 and CSW-7 as on 07-08-2026.

BC-II to comply the same accordingly at once.

Inform Ld. APP.

To 05-08-2026 for evidence.

Dictated and corrected by

Sd/-

J.M. 2nd Court, Raghunathpur

Dictated and corrected by me.

Sd/-

J.M. 2nd Court, Raghunathpur