

FORM - A

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: 16th day of May, 2026 Case No. GR: 460/22 TR: 282/22 (CIS Registration No. 815/2022) (CNR No.- WBPU06-001133-2022) (Arising from Santuri P.S Case No. 49/22 dated 12/07/2022)	
Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	Rajib Ghosh
Represented by	Name of Advocate: Sunil Baran Das

FORM - B

Date of Offence	12.07.2022
Date of F.I.R.	12.07.2022
Date of Police report	30.08.2022
Date of framing Charge/Plea against the accused	19.04.2024
Date of commencement of Evidence	24.07.2024
Date of examination of the accused u/s. 313 of the Cr.P.C.	16.05.2026
Date on which Judgment is reserved	N/A
Date of Judgment	16.05.2026
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.	Rajib Ghosh	13.07.22	13.07.22	U/s- 379/411/ 414 of IPC & 21(1) (4) of WB Mines and Minerals (R & D) 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.	Mrinmay Bhakta	
W2.	Jahan Murmu	
W3.	Sital Bauri	
W4.	Roman @ Ramen Ghosh	

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	The seizure list dated 12/07/22
2	1/1	The signature of P.W-1 in the seizure list
3	2	The written complaint
4	2/1	The signature of P.W-1 in the written complaint
5	P-3	Requisition
6	P-4	Reply of requisition dated 29/07/22
7	P-4/1	Signature of P.W.4 in the reply of requisition

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 (R & D) Act 1957 and 181 MV Act. The prosecution case in short is that on 12/07/22 the complainant along with force were on mobile duty. At about 05:35 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 67A 6246. 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. 49/22 dt. 12/07/2022 u/s 379/411/414/120B of IPC & 21(1) (4) of WB Mines and Minerals (R & D) Act 1957 against the accused person.

Thereafter, the case was investigated by the ASI of police Animesh Pati of Santuri P.S. who after completion of the investigation, submitted charge sheet being no.44/22 dt. 30/08/22 u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals (R & D) Act 1957 and 181 MV Act against the accused person.

Thereafter, on 19/04/2024 charge was framed u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals (R & D) 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 – Mrinmay Bhakta.

P.W. 2 – Jahan Murmu.

P.W. 3 – Sital Bauri.

P.W. 4 – Roman @ Romen Ghosh.

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 (R & D) 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 Mrinmay Bhakta deposed that on 12/07/22 he was posted at Santuri P.S as PSI of police. On that day he lodged a complaint at Santuri PS against driver of the offending tractor and owner of the offending tractor whose registration number he could not recollect. On that day he was on evening mobile duty along with force Sabyasachi Mahato and Rajib Mahato and at about 5:35 pm he received an information that a tractor loaded with sand was coming from Mohanpur

village to Hansdima. He informed it to the O/C and as per his directions he went there. There he saw that the tractor was coming and the registration no. of the tractor matched with the number as given to him by the source. Then the persons seeing "Police" written on the vehicle tried to fled away from there. They tried to intercept but the driver fled away. He searched the tractor for any valid documents but there was no such documents. Thereafter he seized the tractor loaded with sand. The seizure list dated 12/07/22 was marked as Exhibit-1 and his signature in the seizure list was marked as Exhibit-1/1. Thereafter he arranged for a local driver and brought the tractor to the P.S. Thereafter he returned to P.S along with seized articles and lodged complaint to the P.S. The complaint was marked as Exhibit-2 and his signature into it was marked as Exhibit-2/1.

During his cross examination he failed to state from whose possession the sand was stolen. He admitted that it has not been mentioned in the FIR that who accompanied him on that day and there was no signature of any independent witness in the seizure list. He also admitted that there are many villages between Mohanpur and Hansdima and many vehicle pass through it.

P.W. 2 Jahan Murmu deposed that he had no role in this case.

P.W. 3 Sital Bauri deposed that he has no idea regarding the incident and failed to state who lodged complaint against whom.

P.W. 4 Roman @ Romen Ghosh deposed that on 15/07/22 and 29/07/22 he was posted as BL & LRO, Santuri. On 15/07/22 he received a requisition from the IO which was marked as Exhibit-P-3 and gave a reply to it on 29/07/22 which was marked as Exhibit-P-4. His signature in reply was marked as Exhibit-P-4/1.

During his cross examination he admitted that he had no personal knowledge regarding the incident.

From the evidence on record it appears that P.W.3 i.e. the only private witness did not support the prosecution case. P.W.4 deposed in his official capacity and had no personal knowledge regarding the incident.

As per CS, P.W.2 was a seizure witness but he clearly stated on dock that he had no role in this case. He also failed to state whether he was present at the P.O on the date of the incident or not.

P.W.1 i.e. the de facto complainant failed to state the name of the accused person from whom the tractor loaded with sand was allegedly seized as well as the number of the vehicle. Moreover, as per his version Sabyasachi Mahato and Rajib Mahato accompanied him to the P.O but no such witness was shown in the CS. He also did not take any sample of sand prior to such seizure and sent the sample for chemical examination.

Moreover, no signature of independent witness was obtained in the seizure list. 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 (R & D) Act 1957 and 181 MV Act against the accused person beyond the shadow of all reasonable doubts.

Hence it is

O R D E R E D

that the accused person namely Rajib Ghosh is not found guilty of the offence u/s 379/411/414 of IPC & 21(1) (4) of WB Mines and Minerals (R & D) 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.

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Additional Chief Judicial Magistrate,
2nd Court,
Raghunathpur, Purulia.