



<p>In the Court of Judicial Magistrate, 1st Court Raghunathpur, Purulia Present: BASHAR NAWAZ, [J.O Code: WB01449] [On this 16th day of April, 2026] [G.R. Case No. 674 of 2025] [CIS Registration No. 962 of 2025] CNR No. WBPU060014382025 (Arising out of Neturia P.S. Case No. 147 of 2025 dated 02.09.2025 under section 126(2)/117(2)/324(4) of BNS)</p>	
Complainant	STATE OF WEST BENGAL THROUGH O/C Neturia POLICE STATION
REPRESENTED BY	LD. APP
ACCUSED	Bijoy Modi
REPRESENTED BY	Arup Kumar Singha

Form B

[directed by the Hon'ble Supreme Court in SUO MOTO WRIT (CRL) NO. (S) 1/2017; IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS V. THE STATE OF ANDHRA PRADESH & ORS.]

Date of Offence	01.09.2025
Date of FIR	01.09.2025
Date of Charge-sheet	30.09.2025
Date of Charge	02.02.2026
Date of commencement of evidence	10.03.2026
Date on which judgment is reserved	16.04.2026
Date of the Judgment	16.04.2026
Date of the Sentencing Order, if any	ACCUSED PERSON HAS BEEN ACQUITTED

Accused details:

Sl.	Name of Accused	Date of Arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention on Under one during trial for purpose of Section 428 Cr.P.C.
1.	Bijoy Modi	11.09.2025 (surrendered)	11.09.2025	126(2)/117(2)/324(4) of BNS	Acquitted.	NA	NA



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 WITNESSES)
PW1	Dharani Chakraborty	Scribe of complaint
PW2	Rajesh Modi	Complainant/Injured

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

List of Prosecution/ Defence/ Court Exhibits

• Prosecution:

Sr. No.	Exhibit Number	Description	Date
1.	Exhibit P1	Written complaint written by PW1	10.03.2026
2.	Exhibit P1/1	Signature of PW1 on written complaint	10.03.2026
3.	Exhibit P1/2	Signature of PW2 on written complaint	10.03.2026

• Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

• Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

• Material Objects:

Sr. No.	Exhibit Number	Description	Date
Nil	Nil	Nil	Nil



J U D G M E N T

Facts of the case:

On 01.09.2025 at about 09:00 hrs, an incident took place wherein the accused Bijoy Modi allegedly damaged the motorcycle of the complainant's father at Parbelia area under Neturia Police Station. When the complainant protested, the accused allegedly assaulted him with a brick, causing injuries on his right leg and face. The injured was subsequently treated at Harmadih CHC. Based on the written complaint lodged by the complainant on 01.09.2025, Neturia P.S. Case No. 146/2025 was registered under Sections 126(2)/117(2)/324(4) of the B.N.S., 2023.

During the course of investigation, the Investigating Officer visited the place of occurrence and prepared a rough sketch map with index. The complainant and other witnesses were examined and their statements were recorded under Section 180 of the B.N.S.S. The injury report of the injured complainant was collected from Harmadih CHC, which disclosed that the complainant had sustained injuries due to physical assault. Upon investigation, it was revealed that the accused Bijoy Modi was involved in the alleged occurrence, while the other named person was not found involved and was not charge-sheeted.

It further appears from the record that the accused Bijoy Modi surrendered before the Court and was released on bail on 11.09.2025. After completion of investigation, sufficient prima facie materials were found against the accused, and accordingly Charge Sheet No. 125/2025 dated 30.09.2025 was submitted under Sections 126(2)/117(2)/324(4) of the B.N.S., 2023. Subsequently, charge was framed against the accused on 02.02.2026, to which he pleaded not guilty and claimed to be tried.

Evidence adduced

Only two witnesses in this case have been examined and cross examined as PW01 to PW02. No other witness has been examined on behalf of the prosecution. After considering every possible facet and the quality of the evidences on record, the prayer of the accused person was allowed because production of further witnesses and dragging this case any further in violation to the provisions of section 309 of the Criminal Procedure Code 1973; appeared to be absolutely unnecessary. It is also axiomatic from the case record that even after taking gusto efforts appearance of all the witnesses could not be secured. It is worthwhile to mention here that this case is pending since the year 2025 and as per the mandate of Constitution speedy disposal is the fundamental right of the accused person. Moreover the case come under Track 03 as per the Case Flow Management Rules, High Court Rules 2006. Thus it is the indelible duty of this court to hoist the right of the accused person and to act in accordance with section 309 of the Criminal Procedure Code 1973 read with the Case Flow Management Rules, High Court Rules 2006 as well as the direction of the Hon'ble Supreme Court given in *Hussain and another versus Union of India, 2017[2] AICLR 362*



(SC). Hence being pioneered by the decision of the Hon'ble Supreme Court the prosecution evidence was closed and the case was fixed for examination of the accused person under section 313 of the Code of Criminal Procedure, 1973. However In short the sum and substance of the defence is plea of innocence.

After exhausting the above procedures the case was posted for hearing of arguments. On completion of arguments it is the incumbent duty of this court formulate the points for determination and assign reasons for harbouring to any conclusion on those points. After considering every possible facet in this case and considering the materials available, the points for determination as formulated are arrayed as under:

Points for determination

- 1) Whether the charges framed against the accused person have been proved or not?
- 2) Whether the accused person is liable to be convicted under section 126(2)/117(2)/324(4) of BNS?

Decision with reason

Point number 01 and 02:

In the present case, the accused person has been put on trial for the alleged commission of offences punishable under Sections 126(2), 117(2) and 324(4) of the B.N.S., 2023. The prosecution case, as unfolded from the FIR and charge sheet, is that the accused assaulted the complainant and caused injuries to him and also damaged property. In order to bring home the charge against the accused, the prosecution is required to prove its case beyond all reasonable doubt by leading cogent, reliable and trustworthy evidence.

On careful perusal of the evidence on record, it appears that the most material witness of the prosecution is PW2, who is the complainant and injured person. However, during his examination-in-chief, PW2 has clearly stated that the case was filed due to misunderstanding and he does not want to proceed further with the case. He has not supported the prosecution case at all. Further, during cross-examination, PW2 has categorically stated that he has no objection if the accused person is set free. Thus, PW2 has completely resiled from his earlier statement and has not supported the allegations made in the FIR. As such, he has been declared hostile in substance, and his testimony does not inspire confidence to establish the prosecution case.

PW1, who is the scribe of the complaint, has merely proved the written complaint and his signature thereon. He has specifically stated in his cross-examination that he has no personal knowledge about the occurrence and he wrote the complaint as per the instruction of the complainant. Therefore, his evidence is purely formal in nature and does not in any way establish the occurrence or the involvement of the accused person.

It is further found that though the prosecution case involves allegation of physical assault causing injury, the doctor who treated the injured has not been examined before this Court to prove the injury report. As such, the medical evidence remains unproved. Even otherwise, in absence of supporting testimony



of the injured witness, the medical evidence alone cannot establish the guilt of the accused.

Thus, from the entire evidence on record, it is evident that there is no substantive evidence to prove that the accused person committed the alleged offences. The star witness having turned hostile and the other witness being formal in nature, the prosecution has failed to prove the ingredients of the alleged offences. There is no corroborative evidence available on record to connect the accused with the alleged crime.

In criminal jurisprudence, it is a settled principle that the prosecution must stand on its own legs and must prove the case beyond reasonable doubt. The benefit of doubt must always go in favour of the accused. In the present case, the evidence adduced by the prosecution is insufficient, unreliable and does not establish the guilt of the accused beyond reasonable doubt.

Accordingly, in view of the above discussion and appreciation of evidence, this Court is of the considered opinion that the prosecution has failed to prove its case against the accused person. Hence, the accused is entitled to get the benefit of doubt and is liable to be acquitted from the charges levelled against him.

Hence; it is

ORDERED

that the accused person, namely Bijoy Modi is found to be not guilty of committing the offence under section 126(2)/117(2)/324(4) of BNS and he is hereby acquitted of the charges framed against him as per section 278 sub-section (1) of the BNSS. He is also discharged from the liability of his respective bail-bond and set at liberty. The surety is also discharged. Let the seized documents pertaining to this case if already not returned, be returned from whom seized after the lapse of the period prescribed for appeal. Seized article if any; which is not claimed by the parties shall be destroyed after expiration of the period of appeal.

Be it also mentioned here that the victim of this case has a right to prefer an appeal against this order before a competent Court u/s 413 BNSS and can also seek legal assistance for such appeal from District Legal Services Authority.

Copy of this judgment of acquittal be forwarded to Secretary, DLSA, Purulia and District Magistrate, Purulia for necessary information.

Dated: 16.04.2026

Judicial Magistrate 1st Court
Raghunathpur, Purulia
WB01449

Typed and corrected by me;

Judicial Magistrate 1st Court
Raghunathpur, Purulia
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