

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
ALIPORE, SOUTH 24 PARGANAS**

Present : Moumita Ray.
(JO Code No. WB00990)
Chief Judicial Magistrate,
Alipore, South 24 Parganas

CGR Case No. - 3381 of 2025
CIS No. GR Case No. - 2088 of 2026

TR No. - 185 of 2026

STATE

.....Prosecution

V/s.

Samrat Singh

.....Accused person

Under Section 118(1) of Bharatiya Nyaya Sanhita

Date of delivery of Judgment : 25.08.2026

J U D G E M E N T

The instant case is u/s. 118(1) of Bharatiya Nyaya Sanhita. This case was initiated on the basis of the written complaint lodged by defacto complainant Poly Sarkar.

The brief fact of the case as alleged by the complainant in her written complaint is that on 20.10.2025 at about 11:30 PM the son of the complainant went to one of his friend's house, located at 20B, Nepal Bhattacharjee Street, PS – Kalighat, Kolkata – 26, on the occasion of Diwali and at about 03:00 AM on 21.10.2025, some of his friends started fighting each other and on being protested by the son of the complainant, they turned furious and one of his friends namely, Samrat Singh, the accused herein, stabbed the complainant's son on the left side of his neck by a piece of a broken glass bottle and as a result the said son of the complainant sustained bleeding injury on his neck and became faint and then was taken to SSKM hospital got treated. Hence, this case.

On the basis of complaint so lodged the Kalighat PS Case No. 196 of 2025 dt. 21.10.2025 u/s. 118(1) of Bharatiya Nyaya Sanhita

was started and after proper investigation, charge-sheet was submitted against the accused person u/s. 118(1) of Bharatiya Nyaya Sanhita.

On perusal of the entire materials, the court framed charge against the accused u/s. 118(1) of Bharatiya Nyaya Sanhita. Substance of accusation was read over and explained to the accused person to which he pleaded 'Not Guilty' and claimed to be tried. Hence this trial.

Trial was held, no witness was examined by the prosecution in support of its case, there after accused was exempted from being examined u/s. 351 of Bharatiya Nagarik Suraksha Sanhita.

Argument was done at length.

In order to bring home the guilt of the accused u/s. 118(1) of Bharatiya Nyaya Sanhita, the Prosecution failed to adduce any evidence.

Witnesses adduced by the prosecution

<u>Sl no.</u>	<u>Name of witness</u>
Nil	

Documents relied upon by the prosecution

<u>Ex no.</u>	<u>Document</u>
Nil	

The defence neither did adduce any evidence nor did exhibit any document on its behalf.

Points for Consideration

Is the accused guilty of the offence punishable u/s. 118(1) of Bharatiya Nyaya Sanhita?

Decisions With Reasons

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to decide the case properly.

Ld. PP during the course of argument submitted that the case of the prosecution has not been able to be proved.

On the contrary, Ld. Counsel appearing for the accused had advanced argument in support of acquittal of the accused.

On perusal of the record, it transpires that the de-facto

complainant of this case, has not been examined as a prosecution witness. No witness turned up to support the prosecution case despite repeated opportunities given to the prosecution. The prosecution evidence stood closed on the prayer of the Ld. PP. As such the prosecution has failed to bring the primary material on framing to bring home the charge against the accused under the section under which it has been framed. No substantive evidence has come on record from the mouth of prosecution witness where from it can be construed that the charge so framed against the accused has been fully satisfied by the prosecuting agency. No specific evidence is there to satisfy the ingredients of section 118(1) of Bharatiya Nyaya Sanhita and/or there is no clear-cut specific evidence u/s. 118(1) of Bharatiya Nyaya Sanhita. To satisfy the ingredients of the section the primary thing that has to be satisfied has not been done by the prosecution. There is no cogent evidence on record that the accused committed the alleged offence. That specific evidence is very much lacking in the prosecution case.

It is the prosecution who by not adducing any evidence despite being given the scope to do so by the court, has negated its entire case. Nothing on record is there which can bring home the charge against the accused.

In absence of all these, I find no merit in the case of the prosecution which can book the accused.

I, therefore, hold that the essential ingredients to connect the accused with the offence punishable u/s. 118(1) of Bharatiya Nyaya Sanhita is very much absent in the present case. The prosecution has failed to adduce anything which incriminates the accused in this case. Resultantly the accused is entitled to be acquitted of the charge so framed against him u/s. 118(1) of Bharatiya Nyaya Sanhita.

All the points are thus answered in the negative.

In the result prosecution case fails and the accused merits acquittal.

Hence, it is,

O R D E R E D

that accused namely, Samrat Singh is found not guilty of the charge so framed against him u/s. 118(1) of Bharatiya Nyaya Sanhita and he

be acquitted u/s. 271(1) of Bharatiya Nagarik Suraksha Sanhita.

The accused is on Court bail. Bail bond shall remain in force for the next six months as per the mandate of Section 437A of Cr.P.C.

The judgment is delivered in open Court. Let necessary noting be made in the germane register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186A of Cr.R.O. of Hon'ble High Court, Calcutta.

D/c by me;

Chief Judicial Magistrate,
Alipore, South 24 Parganas

Moumita Ray
Chief Judicial Magistrate,
Alipore, South 24 Parganas
JO CODE WB00990

Addendum

The victim/Complainant has a right to prefer an appeal under the proviso to section 372 of the Code of Criminal Procedure and if necessary victim is entitled to avail free legal assistance through Legal Services Authorities concerned to prefer & prosecute such appeal.

Let a Pdf copy of this judgment be forwarded to the District Magistrate, Alipore, South 24 Parganas & Secretary, DLSA, Alipore, South 24 Parganas for due intimation to the victim as defined under section 2 (wa) of the Code of Criminal Procedure.

BC-I and BC-II to comply.

Moumita Ray
Chief Judicial Magistrate,
Alipore, South 24 Parganas
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