

WBSP170005522014



JO CODE No. WB01068

In Court of Additional Chief Judicial Magistrate -cum- Civil Judge ,(Senior Division), Kakdwip, South 24 Parganas.

**Present:- Smt. Sumana Garain,
Additional Chief Judicial Magistrate
-cum-
Civil Judge (Senior Division),
Kakdwip, South 24 Parganas**

Date of Judgment : 22.07.2026

**G R Case No. 564 of 2014
Trial No. 830/2017
CIS No. 5640 of 2014**

Details of FIR/ Crime and Police station

Complainant	State of West Bengal
Represented by	Ld. A.P.P.
Accused	Mahadeb Mondal
Represented by	Utpal Das
Date of offence	05.04.2014
Date of FIR	05.04.2014
Date of Charge sheet	31.10.2015
Date of commencement of Evidence	24.03.2023
Date on which judgment is reserved	NIL
Date of judgment	22.07.2026
Date of sentencing order, if any	N.A.

Accused details

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Period of detention undergone during trial for purpose of section 428 CrPC
1.	Mahadeb Mondal		06.06.14	279/304A IPC	N.A.

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
1.	Binu Das	De facto complainant
2.	Manik Das	Other witness
3.	Pulin Das	Other witness

B. Defnece witnesses, if any : NIL

Rank	Name	Nature of evidence Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witnesses

C. Court witnesses, if any : NIL

Rank	Name	Nature of evidence Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witnesses

List of prosecution/defence/court exhibits : **NIL**

A. Prosecution

Sr. No.	Exhibit No.	Description
1		

B. Defence

Sr. No.	Exhibit No.	Description

C. Court exhibits : NIL

Sr. No.	Exhibit No.	Description

D. Materials objects : NIL

Sr. No.	Exhibit No.	Description

J U D G M E N T

The accused namely Mahadeb Modal is being tried U/s. 279/304A of IPC.

This case was initiated out of a FIR lodged by Binu Das before Kakdwip PS.

The fact of the prosecution case, in brief, is that on 05.04.2014 at about 6/6.30 pm one bus bearing registration no. WB19-6154 was proceeding to Lot no. 8 and dashed one Subhas Das. As a result the said person fell down with bleeding condition on the road and died on spot. Hence, the case.

On the basis of the complaint Kakdwip P.S. case No. 203/14 dated 05.04.2014 was started and investigated the case which resulted into charge sheet u/s. 379/304A of I.P.C. against the above named accused.

The court after being satisfied with the prima facie case made out by the prosecution, framed a charge against the accused U/s. 379/304A of I.P.C. and substance of accusation U/s. 379/304A of I.P.C. is read over and explained to the accused to which the accused pleaded not guilty and claimed to be tried.

After the evidence of the prosecution witness is closed, the accused was examined u/s 313 Cr. P.C. where he stated that he was not guilty and he would not adduce any evidence in his support.

After that, argument was heard on both sides.

Now let us discuss the case in the light of evidence and documents on the record, in order to see as to how far the prosecution has been able to prove the case against the accused.

POINTS OF CONSIDERATION

1. Whether the prosecution has been able to prove the case beyond all shadow of reasonable doubt ?
2. Whether the accused is liable to be convicted for the commission of offence punishable U/s. 379/304A of I.P.C.?

DECISION WITH REASON

Both the points are taken together for the sake of brevity and convenience.

I have carefully gone through the case record.

PW1 Binu Das stated in her evidence that there was an accident in their village in the year 2014. PW1 has further stated that on hearing about the incident they ran to the spot but they did not see anything and everything was over. PW1 has further stated that he was not present at the time of incident.

PW2 Manik Das could not say anything about the incident.

PW3 Pulin Das has stated in his evidence that the incident took place on 05.04.2014 at about 6-6.30 pm at Hostel more. PW3 has further stated that Subhas Das met with an accident with a route no. 94 a bus bearing registration no. WB19 6154. PW3 has further stated that he was present near the PO. PW3 has further stated that on hearing hue and cry he rushed to the spot and saw Subhas Das was lying in injured condition. PW3 has further stated that the injured was taken to the Kakdwip PS by us and thereafter he was shifted to the hospital where he was declared as brought dead by the doctor.

On his cross-examination PW3 has stated that he saw the accident. PW3 has further stated that he was not interrogated by the police.

I have carefully gone through the entire oral and documentary evidence adduced by the prosecution in this case and other materials on record. None of the witnesses corroborated the evidence with each other. PW2 could not say anything about the incident. IO of this case was not adduced by the prosecution. The seized articles are not produced before the court or adduced in evidence.

In such circumstances considering of the entire evidence adduced by the prosecution I am of the view that the prosecution has failed to prove the offence against the accused and accordingly, the accused is entitled to be acquitted from this case.

Hence, it is

ORDERED

that sole accused namely, Mahadeb Mondal is found not guilty of the charge labeled against him and he is acquitted as per the provision section sections 255(1) of the Code of Criminal Procedure.

The accused person is also discharged from his bail bond.

Dictated and corrected by me

Sd/-

Additional Chief Judicial Magistrate -
cum- Civil Judge,(Senior Division),
Kakdwip, South 24 Parganas.

Sd/-

Additional Chief Judicial Magistrate -
cum-Civil Judge,(Senior Division)
Kakdwip, South 24 Parganas.