

In the Court of Addl. Chief Judicial Magistrate,

North 24 Parganas at Barasat

Present: Sri. Kingshuk Sadhukhan,
[J.O Code: WB01154]

[On this 17th day of August, 2026]

**[G.R. Case No. 2015 of 2025 u/s
126(2)/117(2)/351(2) of the
Bharatiya Nyaya Sanhita, 2023]**

T.R. No. 559 of 2026

CNR NO. WBNP02-007360-2026

[CIS Registration No. 2829 of 2026]

**(Arising out of Madhyamgram P.S. Case No. 448/25 dated 14.06.25
under sections 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita,
2023)**

Complainant	STATE OF WEST BENGAL
REPRESENTED BY	LD. APP Mehtab Alam
ACCUSED	Bikash Mishra
REPRESENTED BY	Ld. Advocate Sima Das

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	14.06.25
Date of FIR	14.06.25
Date of submission of Charge sheet	09.07.25
Date of Framing charge	17.08.26
Date of commencement of evidence	17.08.26
Date on which judgment is reserved	17.08.26
Date of the Judgment	17.08.26
Date of the Sentencing Order, if any	ACQUITTED

JUDGEMENT

Date of delivery : 17.08.26

1. On the basis of a written complaint dated 14.06.25 of the defacto complainant before the Inspector in charge of Madhyamgram Police Station, the instant case had been started against three accused under **section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023**. Subsequently, on 09.07.25, police submitted charge-sheet against the sole accused under **section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023**. The case had been taken into the personal file of this court for disposal. On 17.08.26, according to **section 263 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, a formal charge under **section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023** had been framed against the accused and the charge had been recorded in the prescribed form. In reply to the charge, the accused pleaded not guilty and claimed to be tried.

2. Today, CSW No. 4 Mintu Mishra (victim) and CSW 1 Abhishek Kumar Mishra are present. Therefore, in view of the provision of **section 265 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, CSW No. 4 Mintu Mishra (victim) and CSW 1 Abhishek Kumar Mishra have been examined as PW 1 and PW 2 respectively in full and discharged.

3. In their evidences in chief, PW 1 and PW 2 declined to speak against the accused. Therein, they (PW1) and PW 2 made it clear :

----- that out of misunderstanding they lodged the present case;

----- that subsequently, there has been change in circumstances;

----- that dispute between them and the accused has been subsided;

and

----- that they have no more grudge or grievance against the accused.

Not only that, in cross, PW 1 and PW 2 declared that they will have no objection if the accused be acquitted from this case.

4. Due to such testimony of PW 1 and PW 2, by filing a petition, Ld. APP prayed for closing evidence in support of the prosecution. The said prayer of the prosecution has been allowed as after the aforesaid statements of PW 1 and PW 2, examination of rest CSWs would be meaningless.

5. As aforesaid, in the evidence of PW 1 and PW 2 , nothing appeared against the accused to warrant his explanation. So, in this case, examination of the accused under **section 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023** would be unnecessary. Accordingly, after evidence for prosecution under **section 265 of the Bharatiya Nagarik Suraksha Sanhita, 2023** , examination of the accused under **section 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023** is dispensed with.

6. Thereafter, adhering to the provision of **section 352 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, arguments of both the prosecution and the defence had been heard. Ld. APP prayed for an appropriate verdict, befitting with the facts and circumstances of the case. Whereas, Ld. Defence Counsel argued for acquittal of the accused from this case.

7. There is no evidence to substantiate the charge under **section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023** against the accused. After the deposition of PW 1 and PW 2, there remains no doubt that the charge under **section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023** against the accused is not proved. Accused merits acquittal.

8. Hence, it is,

ORDERED

that against the charge under **section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023**, the accused namely **Bikash Mishra** is found not guilty.

9. Ergo, under **section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023**, he is acquitted from this case.

10. The accused is on Court bail. Bail bond shall remain in force for the next six months as per the mandate of **section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023**.

11. The judgment is delivered in open Court.

12. Let soft copy of the judgment be uploaded in the CIS within 48 (forty eight) hours from this day as per **rule 186A of the Criminal Rules and Orders** of the Honourable High Court, Calcutta.

13. Thus, the case is disposed of.

14. Make necessary noting in the germane Register and CIS.

D / C by me.

KINGSHUK SADHUKHAN

A.C.J.M Barasat, North 24 Parganas.

[J.O Code: WB01154]