

From No. (M) 34

<b>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, JHARGRAM</b>	
Present : Sri Manabendra Nath Ghosh [J.O Code: WB01229]	
Chief Judicial Magistrate, Jhargram.	
[Date of the Judgement: 10-03-2026]	
[Case No. GR- 671/2023]	
T.R No. 309/2023	
Reg. No ( CIS No.). GR 1187/2023	
CNR No. WBWM07-002897-2023	
(FIR No. 42/2023 dated 12-07-2023 u/s 363/365 of IPC. Police Station – Jhargram Women P.S)	
<b>COMPLAINANT</b>	STATE
<b>REPRESENTED BY</b>	ANIL KUMAR MONDAL ASSISTANT PUBLIC PROSECUTOR
<b>ACCUSED</b>	PALASH MUDLI ,S/O-TARAK MUDLI, ADDRESS: VILL- KHAJRA, P.S- KESHIARY, DIST.-PASCHIM MEDINIPUR.
<b>REPRESENTED BY</b>	SAYAK BHADRA

Form No. (M) 35

<b>Date of Offence</b>	10-07-2023
<b>Date of FIR</b>	12-07-2023
<b>Date of Charge-sheet</b>	31-07-2023
<b>Date of taking plea/charge</b>	13-09-2026
<b>Date of commencement of Evidence</b>	22-11-2024
<b>Date on which Judgement is reserved</b>	N/A
<b>Date of the Judgement</b>	10-03-2026
<b>Date of the Sentencing Order, if any</b>	Not required

**Accused details:**

Rank of Accused	Name of the Accused	Date of Arrest/ Surrender	Date of release on Bail	Ofences charged with	Whether Acquitted or Convicted	Sentence imposed	Period of detention undergone for the purpose of section 428 Cr.P.C
1.	PALASH MUDLI	13-07-2023	15-07-2023	363/365 of IPC	Acquitted	Nil	Nil

sd/-

(Manabendra Nath Ghosh)  
CJM, Jhargram  
Date:10-03-2026

Form No. (M) 36

**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.1	Brihaspati Bhukta	Defacto Complainant

**B. Defence Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil		

**C. Court Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil		

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS****A. Prosecution:**

Sr. No.	Exhibit Number	Description
1.	P1	Signature of P.W.1 over the written complaint

**B. Defence:**

Sr. No.	Exhibit Number	Description
Nil		

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**C. Court Exhibits:**

Sr. No.	Exhibit Number	Description
Nil		

**D. Material Objects:**

Sr. No.	Exhibit Number	Description
Nil		

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**PROSECUTION CASE IN A NUTSHELL:**

The compendium of the prosecution case, as unfolded during trial stands as follows:

The prosecution case, details apart in short is that the defacto Complainant Brihaspati Bhukta S/O Late Shambhu Bhukta of Vill- Lalbazar, P.S-Jhargram, Dist.- Jhargram has lodged a written complaint to the I/C, of Jhargram Women P.S., to the effect that on 12-07-2023 his minor daughter name Ptiya Bhukta who went to missing while going to school 10.07.2023 at around 10.45 A.M but she could not returned and later on he came to know that the accused person namely Palash Mudli kidnapped his daughter with an intention to confine her wrongfully.

**DEFENCE CASE IN NUTSHELL:**

Defence case as can be captured from the cross examination of the prosecution witnesses and examination of the accused person u/s 313 of CrPC is the total denial of the prosecution case.

**THE INVESTIGATION:**

After receiving complaint, I/C, Jhargram Women P.S. started this case being no.42/2023 dated 12-07-2023 u/s 363/365 of the Indian Penal Act (in short IPC) was initiated and A.S.I, Jyoti Shaw was endorsed with the investigation. The said I.O. of this case visited the place of occurrence, recorded the statement of the witnesses under section 161 CrPC and recovered the victim and subsequently he prayed for recording the statement of the victim u/s 498A of IPC which was allowed and he collected the statement of victim and when he collected sufficient evidence and a prima-facie case

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has been well established, then the I.O of this case as per the direction of his superior submitted the Charge Sheet No.51/2023 dated 31-07-2023 under sections 363/365 of IPC against the accused person.

**CHARGE**

After supply of copies to the accused person, the case record has been transferred to this Court and after appearance before the Ld. Court, the substance of the accusation was read over to the accused person on 13-09-2024 and a prima facie case has been made out against him u/s 363/365 of IPC where he pleaded not guilty and claimed trial.

**EXAMINATION 313 CR.P.C :**

On 10-03-2026, the accused person was examined u/s 313 CrPC in which the accused person stated that all the statements as adduced as evidence by the witnesses are false opined that this is a false case and he denied to adduce any D.Ws in support of his claim.

**THE ARGUMENT:**

Ld. A.P.P. argued that the conviction can be warranted on the basis of the evidence adduced on behalf of the prosecution.

On the other hand, Ld. Advocate for the accused person argued that the witnesses did not make any incriminating allegation against the accused person and therefore, the accused person is liable to be acquitted.

**POINTS FOR DETERMINATION:**

- 1) Whether the accused persons kidnapped the defacto complainant daughter from his lawful custody?
- 2) Whether the accused person can be convicted u/s 363/365 of IPC ?

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**DETERMINATION WITH REASONS:**

Now let me discuss the evidences produced by the prosecution with a view to come to a decision keeping in mind the fundamental principle of criminal trial which stipulates that the burden of proving the guilt of the accused persons is entirely lies on the prosecution and the prosecution is to prove the guilt of the accused beyond reasonable doubt

All the points for determination are taken up for brevity of discussion.

Before entering into merit of the case, let me see what evidence has been come out in this case.

1. At the time of evidence, P.W.1 in his examination-in-chief deposed that he has lodged a written complaint at Jhargram Women P.S due to missing of her daughter and due to suspicion he has filled this case against the accused person and his daughter has returned back to home and he has no compliant against the accused person and he proves his signature over the written complaint and during cross-examination, he deposed that he cannot say the contents of the written complaint and he has no allegations against the accused person.

2. On careful perusal material evidence on record, it appears from the written complaint that it was alleged that the defacto Complainant Brihaspati Bhukta S/O Late Shambhu Bhukta of Vill- Lalbazar, P.S-Jhargram, Dist.- Jhargram has lodged a written complaint to the I/C, of Jhargram Women P.S., to the effect that on 12-07-2023 his minor daughter name Ptiya Bhukta who went to missing while going to school 10.07.2023 at around 10.45 A.M but she could not returned and later on he came to know that the accused

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(Manabendra Nath Ghosh)  
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person namely Palash Mudli kidnapped his daughter with an intention to confine her wrongfully.

After perusal of the evidence now Let me see what the statute says.

3. As per the provision of the section 363 IPC, the essential ingredients of the offence are the victim kidnapped was a minor below 16 years of age, the victim kidnapped was in the keeping of a lawful guardian, accused took or enticed away the victim from such keeping of the lawful guardian and the accused did so without the consent of the lawful guardian.

4. As per the provision of the section 365 IPC, the essential ingredients of the offence are accused kidnapped or abducted a person, he did so with intent to confine such person secretly and wrongfully and accused had such intention while abducting or kidnapping such person.

5. On careful perusal material evidence on record, it appears from the written complaint that it was alleged that on 12-07-2023 his minor daughter name Ptiya Bhukta who went to missing while going to school 10.07.2023 at around 10.45 A.M but she could not returned and later on he came to know that the accused person namely Palash Mudli kidnapped his daughter with an intention to confine her wrongfully but at the time of deposition, the defacto complainant examined as P.W.1 and he could not say anything in support of the contents of the written complaint.

6. On the basis of analysing the material evidences on record, it comes out that there is nothing incriminating material against the accused person to warrant conviction u/s 363/365 of the IPC. So, it is not clear that the

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alleged incident were caused by the accused person and after perusal of the evidences on record, this court has no hesitation to hold that the prosecution has failed to prove the case against the accused person to sustain the charge made against him and the accused person is entitled to be acquitted beyond reasonable doubt.

7. Hence it is

**ORDERED**

That the accused person, namely, Palash Mudli is found not guilty of the offenses U/Secs. 363/365 of IPC and is accordingly acquitted U/Sec. 248(1) of the Cr PC.

8. He is set at liberty at once.

9. Accused person is discharged from his Bail Bond and the surety of accused is released from his liability.

10. Let a copy of this judgement be sent to the District Magistrate, Jhargram.

**Typed by me:**

**sd/-  
(Manabendra Nath Ghosh)  
Chief Judicial Magistrate,  
Jhargram.**

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(Manabendra Nath Ghosh)  
Chief Judicial Magistrate,  
Jhargram.**