

GR Case No. 620/2013 (CIS NO. 2488/2017)
Delivered by Santosh Kumar Sharma
State of West Bengal VS Prasanta Das and Others.
Under Section 420/468/471/120B of the Indian Penal Code,1860.

FORM A

IN THE COURT OF THE JUDICIAL MAGISTRATE, JHARGRAM, DIST JHARGRAM	
Present : Santosh Kumar Sharma, JM, Jhargram JO Code WB 01353	
[Dated. 20.07.2026]	
GR Case No. 620/2013 CIS No. 2488/2017 TR No. 411/2014 CNR No. WBWM07-	
(Jhargram PS Case No. 237/2013 Dated. 28.09.2013)	
Complainant	STATE OF WEST BENGAL
Represented by	Sri Anil Mandal, Ld. APP
Accused Persons	1. Prasanta Das 2. Mithun Shil 3. Sukesh Mondal 4. Sanjoy Das
Represented by	Sri Suman Sen, Sri Prabir Pal and Debnath Chaudhury

FORM B

Date of Offence	28/09/2013
Date of FIR	28/09/2013
Date of Charge sheet	29/03/2014
Date of Framing Charge	08/04/2019
Date of Commencement of Evidence	24/09/2019
Date on which Judgment is reserved	NA
Date of Judgment	20/07/2026
Date of the sentencing order, if any	NA

Accused Details

Rank and name of the Accused person	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of section 428 Crpc
1. Prasanta Das	29.09.2013	25.10.2013	U/S 420/468/471/120B of IPC	Acquitted	NA	NA
2. Mithun Shil	29.09.2013	25.10.2013	U/S 420/468/471/120B of IPC	Acquitted	NA	NA

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3. Sukesh Mondal	29.09.2013	25.10.2013	U/S 420/468/471/120B of IPC	Acquitted	NA	NA
4. Sanjoy Das	29.09.2013	18.10.2013	U/S 420/468/471/120B of IPC	Acquitted	NA	NA

FORM C

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
P.W.1	Anup Kumar De	Defacto complainant
P.W.2	Tushar Kanti Parihari	Witness
P.W.3	Jayanti Jana	Witness
P.W.4	Prodyat Kumar Sarangi	Witness
P.W.5	Arup Sankar Nandi	Witness
P.W.6	Kinkar Kumap Ghosh	Witness
P.W.7	Surjosekher Ghosh	Witness
P.W.8	Si Pradip Rath	Witness
P.W.9	Akhil Bandhu Hasda	Witness

B. Defence witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution: Nil

B. Defence: Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

Case of the prosecution came into trial under section 420/468/471/120B of Indian Penal Code, 1860.

One **Aunp Kumar De** lodged the first information report to the effect on 28.09.2013, some miscreants were selling answer paper that she was admitted to a Nursing training Institution namely, Mother Seva Niketan at Bargidanga, Gopiballavpur in 2018. She paid Rs.3100 for admission fee and after some days she also paid Rs.4000 for other purpose. Later she came to know that the institution is unregistered and fake. As such the case was filed.

The information being cognizable in nature the Police started specific case vide Jhargram PS case no. 237/13 dated. 28.09.2013 under section 420/468/471/120B of Indian Penal Code, 1860 and after completion of investigation, the investigating officer of this case submitted charge sheet against the accused persons namely, **Mithun Sil, Prasanta Das, Sukesh Mondal and Sanjoy Das** vide charge sheet No. 51/14 dated 29.03.2014 under section 420/468/471/120B of Indian Penal Code, 1860.

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The trial commenced and the accused persons facing the trial were examined under section 240 of Code of Criminal Procedure, 1973 and charge was framed against the accused persons under sections 420/468/471/120B of Indian Penal Code, 1860 to which they pleaded not guilty and claimed to be tried.

The accused persons are examined as per provisions of section 313 of Criminal Procedure Code,1973 and they pleaded innocence.

The accused persons never preferred for adducing any witnesses on their part in spite of the opportunity given to them.

Points of determination

1. Whether the accused persons have committed any offence punishable under sections 420/468/471/120B of Indian Penal Code, 1860 ?
2. Whether the prosecution has been able to establish the case against the accused persons beyond all reasonable doubts?

Evidence on Record

PW1 Anup Kumar De (Complainant) during his examination in chief submitted that he

PW2 Tushar Kanti Parihari during his examination in chief submitted that he

PW3 Jayanti Jana during her examination in chief submitted that

Her cross-examination was declined.

PW4 Amit das during his examination in chief submitted that he does not know the complainant. He cannot recall anything about the alleged incident.

His cross-examination was declined.

PW4 Pradyot Kumar Sarangi during his examination in chief submitted that on 2013 he was posted at Kumud Kumari Institution. Anup Kumar De was the then head Master at Jhargram Kumud Kumari Institution. He cannot recall the incident on the basis of which the complaint was filed.

His cross-examination was declined.

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PW5 Arup Sankar Nandi during his examination in chief submitted that he knows the complainant. He does not know anything regarding the matter.

His cross-examination was declined.

PW6 Kinkar Kumar Ghosh during his examination in chief submitted that he knows the complainant. He does not know anything regarding the matter.

His cross-examination was declined.

PW7 Suryosekher Ghosh during his examination in chief submitted that

PW8 SI Pradip Rath during his examination in chief submitted that

PW9 Akhil Bandhu Hansda during his examination in chief submitted that he was working at Kumud Kumari Institution at the of the incident was took place in 2013. He does not know about the incident.

His cross-examination was declined.

Heard the argument made by the Ld. APP and the prosecution in full.

Decision with reasons

The essential ingredients of te offence under sec. 420 are as follows:

- (1) There should be the fraudulent or dis honest inducement of a person by deceiving him;
- (2) (a) The person so induced should be intentionally induced to deliver any proprety to any person or to consent that any person shall retain any property, or
- (b) The person so induced to do anything which he would not do or oit if he were not so deceived, and
- (c) In cases covered by second part of clause (a) the act or omission should be one which cased or was likely to cause damage should be one which caused damage or harm to the person induced in body, mind or property

The essential ingredients of te offence under sec. 468 are as follows:

- (1) There should be a forgery in respect of the document or electronic record in question;
- (2) The intention of the forgery should be that the forged document or electronic record is to be used for the purpose of cheating.
- (3) There should be forgery with particular intent- Ram Narayan Vs CBI (2003)3 SCC 641

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The essential ingredients of the offence under sec. 471 are as follows:

- (1) The accused fraudulently or dishonestly used a document or electronic record as genuine;
- (2) The accused knew or had reason to believe that the document or electronic record was a forged one- State Vs Kailash Prosad AIR 1961 Pat 451; Ram Narayan Vs CBI (2003) 3 SCC 641.

The essential ingredients of the offence under sec. 120B are as follows:

- (1) An agreement between two or more persons to commit an offence;
- (2) In doing so the accused either did or caused to be done:
 - (i) an illegal act, or
 - (ii) an act, which is not in itself illegal, by illegal means- State Vs Nalini
- (3) Such an act done or caused to be done was an offence punishable under the Indian Penal Code;

It can never be enough on the part of the prosecution only to raise allegation but not to act meticulously to establish the allegations as levelled against the accused person. The prosecution is duty bound to establish its case beyond all reasonable doubt.

In the present case, the prosecution has badly failed to establish its case beyond reasonable doubts and there was not a single iota of evidence attracting the ingredients of sections 420/468/471/120B of the Indian Penal Code, 1860 and the accused persons under trial have not committed any such offence and they are entitled to be acquitted from this case.

Hence, it is.....

Ordered

That the accused persons namely, **Mithun Sil, Prasanta Das, Sukesh Mondal and Sanjoy Das** are found not guilty of committing any offence punishable under sections **420/468/471/120B** of Indian Penal Code, 1860 .

The accused persons are acquitted from this case as per provisions of section 248 (1) of the Code of Criminal Procedure, 1973 and the accused persons be released from their respective bail bonds at once.

Assets seized, if any, in connection of this case be disposed of as per the provision of law.

The De-facto Complainant is at liberty to prefer Appeal against the acquittal and if required and necessary to avail free legal aid through the District Legal Services Authority to prefer and prosecute any such Appeal if preferred.

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Let the Copy of this Judgment be forwarded to the District Magistrate, Jhargram and to the Ld. Secretary, District Legal Services Authority, Jhargram for information.

Typed and corrected by me.

(Santosh Kumar Sharma)
Judicial Magistrate, Jhargram
JO Code: WB01353

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