

From No. (M) 34

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, JHARGRAM	
Present : Sri Manabendra Nath Ghosh [J.O Code: WB01229]	
Chief Judicial Magistrate, Jhargram.	
[Date of the Judgement: 06-03-2026]	
[Case No. GR 275/2022]	
T.R No. 306/2024	
Reg. No (CIS No.). GR 1030/2024	
CNR No. WBWM07-006812-2024	
(FIR No. 20/2022 dated 27-03-2022 u/s 363/365 of IPC. Police Station – Jhargram Womens P.S)	
COMPLAINANT	STATE
REPRESENTED BY	ANIL KUMAR MONDAL ASSISTANT PUBLIC PROSECUTOR
ACCUSED	DINESH MAHATA, S/O-SUNIL MAHATA, ADDRESS: VILL-BALIA, P.S & DIST. JHARGRAM.
REPRESENTED BY	DHRITI SUNDAR MAHATA

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Date of Offence	25-03-2022
Date of FIR	27-03-2022
Date of Charge-sheet	30-04-2022
Date of taking plea/charge	08-01-2026
Date of commencement of Evidence	17-01-2026
Date on which Judgement is reserved	N/A
Date of the Judgement	24-02-2026
Date of the Sentencing Order, if any	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.	Dinesh Mahata	05-04-2022	05-04-2022	363/365 of IPC	Acquitted	Nil	Nil

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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	Manoranjan Mahata	Defacto Complainant
P.W.2	Basanti Mahata	Victim

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
2.	P2	Signature of P.W.2 over the statement of u/s 164 CrPC

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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Contd..P/3

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 de facto Complainant Manoranjan Mahata S/O-Bhgyadhar Mahata of Vill- Shuknakhli, P.S &, Dist. Jhargram has lodged a written complaint to the I/C, of Jhargram P.S., to the effect that on 25-03-2022 at morning., the complainant's minor daughter namely Basanti Mahata went to her school and found missing after several attempts they couldn't trace her and after that they came to know that the accused person namely Dinesh Mahata kidnapped her 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 Cr.P.C is the total denial of the prosecution case.

THE INVESTIGATION:

After receiving complaint, I/C, Jhargram P.S. started this case being no. 20/2022 dated 27-03-2022 u/s 363/365 of the Indian Penal Code (in short IPC) was initiated and P.L.S.I Tanushree Mukherjee 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 of Cr.P.C and recovered the victim and subsequently she prayed for recording the statement of the victim u/s 164 Cr.P.C which was allowed and she collected the statement of victim and when she collected sufficient evidence and a prima-facie case has been

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well established, then the I.O of this case as per the direction of his superior submitted the Charge Sheet No. 33/2022 dated 30-004-2022 under sections 363/365 of the IPC.

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 08-01-2026 and a prima facie case has been made out against him u/s 363/365 IPC where he pleaded not guilty and claimed trial.

EXAMINATION U/S 313 CR.P.C:

On 30-01-2026, the accused person was examined u/s 313 Cr.P.C in which the accused person stated that all the statements as adduced as evidence by the witnesses is 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 prosecution witnesses failed to corroborate the story of prosecution and left the entire matter upon court for adjudication. 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 was liable to be acquitted.

POINTS FOR DETERMINATION:

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

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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 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.

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

P.W.2 in her examination-in-chief deposed that Manoranjan Mahata is her father and she knows that he has lodged a written complaint at Jhargram P.S due to missing of herself daughter and due to suspicion he has files this case against the accused person and she left her hose voluntarily and no one forced her to leave her house and she was recovered by the police and produced before the Court and she has given statement to the Magistrate and she has no complaint against the accused person and she proves her signature of the statement of u/s 164 CrPC and during the examination-in-cross she deposed that she cannot say the contents of the written complaint and she cannot

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state what was stated by her to the Magistrate and she has no allegations against the accused person.

On careful perusal material evidence on record, it appears that on 25-03-2022 at morning., the complainant's minor daughter namely Basanti Mahata went to her school and found missing after several attempts they couldn't trace her and after that they came to know that the accused person namely Dinesh Mahata kidnapped her with an intention to confine her wrongfully but at the time of deposition the Defacto complainant as P.W.1 and the Victim as P.W.2 could not say anything in support of the contents of the written complaint and they categorically stated that he has no allegations against the accused person.

On the basis of analysing the material evidences on record, it comes out that there is nothing incriminating material against the accused person. So, it is not clear that the alleged incident was 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.

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Hence it is

ORDERED

That the accused person, namely, Dinesh Mahata is found not guilty of the offences U/Secs. 363/365 I.P.C and is accordingly acquitted U/Sec. 248(1) of the Cr.P.C.

He is set at liberty at once.

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

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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Chief Judicial Magistrate,
Jhargram.**