

24.03.2026
SL No. 26-27
Dd

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

CRA(SB)/5/2024
NARAYAN PRASAD LOHIA
VS
THE STATE OF WEST BENGAL AND ANR
with
CRMSPL/1/2023
NARAYAN PRASAD LOHIA
VS
THE STATE OF WEST BENGAL AND ANR
IA NO: CRAN/2/2024

Mr. Sourav Ganguly,
Ms. Debarshi Dhar,
Ms. Gopa Roy,
Ms. Rishita Chakraborty, Advocates
... ..For the Appellant

Mr. Nilay Chakraborty, APP
Mr. Tapan Bhattacharjee, Advocates
... ..For the State

1. Appeal is directed against a judgment of acquittal.
2. Judgment of acquittal proceeds on the basis that the prosecution did not examine any witness.
3. Learned advocate appearing for the appellant submits that the appellant is the de facto complainant. Appellant claimed that he was cheated.
4. Police filed charge sheet. Charge sheet names the persons that the prosecution wished to examine at the trial.
5. Charges were framed as will appear from the materials on record.
6. It is claimed by the appellant that no summons were received with regard to the trial of the case.

7. Since, charge sheet named the prosecution witnesses, charges were framed by the learned Trial Judge and the appellant did not receive summons at the trial as a prosecution witness, it would be appropriate to remand the case to the learned Judge for trial.
8. Impugned judgment of acquittal is set aside.
9. Learned jurisdictional Court will take appropriate steps with regard to the trial on remand as directed.
10. **CRA(SB)/5/2024** is accordingly **disposed of**.

(Debangsu Basak, J.)