

**HIGH COURT OF TRIPURA
AGARTALA
Crl. Petn.01 of 2024**

<i>Sri Saswata Mandal</i>		<i>Petitioner(s)</i>
	<i>Versus</i>	
<i>The State of Tripura</i>		<i>Respondent(s)</i>
For Petitioner(s)	:	Ms. M. Pal, Advocate
For Respondent(s)	:	Mr. R. Datta, PP

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

12.01.2024

This present Criminal Petition has been filed under Section 482 of the Code of Criminal procedure, 1973 ('Cr.PC' in short) for quashing the impugned Charge-sheet No. 34/2023 dated 17.05.2023, in connection with case No. PRC (SP) 129 of 2023 pending in the Court of Judicial Magistrate 1st Class, Court No. 8 , Agartala , West Tripura PS Case No. EAG/098/2021 under Sections 188 of IPC and Section 51(1)(b) of National Disaster Management Act, 2005.

[2] The brief facts of the case, in a nutshell, is that an FIR was lodged on 27.07.2021 by Sri Ashim Saha, Sub-Divisional Magistrate, against the accused person along with 22 others stating that they might have violated COVID management norms, other related protocols and the prohibitory orders under the provision of Section 188 of IPC and Section 51 (1) (b) of National Disaster Management Act. It is stated by the petitioner that the petitioner pursued his B. Tech from NIT Silchar and MBA from IIM Bodhgaya and at present he is working in IPAC as a Lead Analyst in Operation Department.

[3] On the basis of the said complaint dated 27.07.2021, a case was registered vide East Agartala P.S Case No. 2021EAG098 dated 27.07.2021 u/s 188 of I.P.C and section 51 (1)(b) of National Disaster Management Act and investigation was initiated. It is stated in the petition that the petitioner along

with other persons surrendered before the Court of Addl. C.J.M on 29.07.2021 and the learned Court below granted bail.

Subsequently, on 02.02.2023, a petition was filed before the Court of Addl. C.J.M to stop the investigation as contemplated u/s167(5) of Cr.P.C and learned Court below, upon hearing both the sides, passed an order dated, 24.03.2023 directing the I.O to submit all the evidence/documents and thereafter, charge-sheet was submitted on 17.05.2023 vide East Agartala PS CS No. 34/2023 u/s 188 of IPC and 51(1) (b) of National Disaster Management Act, 2005 against the petitioner along with other accused persons. Thereafter, the case was transferred to the Court of Judicial Magistrate 1st Class, Court No. 8, Agartala, West Tripura for disposal in accordance with law.

[4] Aggrieved by the impugned charge-sheet/final-report dated 17.05.2023 filed before the Court of Judicial Magistrate 1st Class, West Tripura, Agartala, the petitioner by filing this Criminal Petition sought for the following reliefs:-

"i. Admit the instant petition.

ii. Call for the lower Court records in connection with case no. PRC (SP) 129/2023, corresponding to East Agartala P.S Case No. EAG/098/2021 under Section 188 of IPC and 51 (1) (b) of NDMA Act, 2005 from the Court of Judicial Magistrate 1st Class, Court No.8, Agartala, West Tripura.

iii. Stay the proceedings in c/w case no. PRC (SP) 129 of 2023 till disposal of the instant case.

iv. Notify the respondent

AND

After hearing both sides be pleased to pass an order:

i. Quashing the charge-sheet/final report in connection with case no. PRC (SP) 129/2023, corresponding to the East Agartala P.S Case No. EAG/098/2021.

ii. Holding the charge-sheet/final report against the alleged petitioners to be illegal.

[5] Heard Ms. M. Pal, learned counsel appearing for the petitioner as well as Mr. R. Datta, learned P.P., appearing for the State-respondents.

[6] Ms. M. Pal, learned counsel appearing for the petitioner submits that the petitioner along with his colleagues of the company namely, Indian Political Action Committee (I-PAC for short) had entered into the State of Tripura after RTPCR test was conducted as per COVID-19 protocols by the authority and all the reports of the test of the petitioners and others were negative. Learned counsel, therefore, urges that since the petitioner as well as others were found negative in RTPCR test, the charge-sheet/final report submitted against the petitioner is liable to be set aside/quashed.

[7] On the contrary, Mr. R. Datta, learned PP representing the State –respondent submits that during the pandemic situation, it is very much serious and matter of concern for spreading of corona virus and the petitioner along with others had violated the COVID 19 management related provisions and prohibitory order. He, further contends that the charge-sheet filed against the petitioner and others was transferred to the Court of Judicial Magistrate 1st Class, Court No.8, Agartala, West Tripura for disposal in accordance with law. Learned PP, therefore, urges that the instant petition filed by the petitioner is liable to be dismissed.

[8] Without going into the merits of the case, since the charge-sheet dated, 17.05.2023 against the petitioner along with other accused persons was transferred to the Court of Judicial Magistrate 1st Class, Court No. 8, Agartala and the same is pending before the Court below, the petitioner could have approached the Court below with relevant documents for discharge in the event, if they feel that they have a fit case. This Court is of the opinion that the proceedings pending before the Court below should not be interfered with at present for the reason indicated above.

[9] Thus, the instant criminal petition is dismissed rejecting the relief as sought for by the petitioner.

As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

JUDGE

Paritosh

**SABYASAC
HI GHOSH**

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SABYASACHI GHOSH
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HIGH COURT OF TRIPURA

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