

IN THE CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTON

Present:- The Hon'ble Justice Manojit Mandal

C.R.R. No. 38 of 2019

With

CRAN No. 01 of 2019

Sourav Chetri & another

V

The State of West Bengal & another.

For the petitioners : None appears.

For the State : Mr. Aditi Shankar Chakraborty, Adv.
Mr. Nilay Chakraborty, Adv.

For the Opposite party No. 2 : None appears.

Heard on : 28.08.2019

Judgment on : 30.08.2019

In Re:- CRAN No. 01 of 2019.

Manojit Mandal, J.:- Since nobody has moved for the CRAN application being No. 01 of 2019 filed by the petitioners, the same stands dismissed for default.

C.R.R No. 38 of 2019.

2. The main application is taken up for hearing.
3. The instant case arises out of an application under Section 401 read with 482 of the Code of Criminal Procedure, 1973.
4. By filing such application, petitioners sought for quashing the proceedings in connection with G.R Case No. 2402 of 2015 corresponding to Kalchini Police Station Case No. 157 of 2015 dated August 15, 2015 under Sections 341/323/354/34 of the Indian Penal Code giving rise to T.R No. 291 of 2016 now pending before the Court of the learned Judicial Magistrate, 1st Court at Alipurduar.
5. The grievance of the petitioners may be stated as follows:-

On the basis of the written complaint lodged by one Mrinal Kanti Chetri, Kalchini Police Station Case No. 157 of 2015 dated August 15, 2015 under Sections 341/323/354/34 of the Indian Penal Code was started. It was alleged in the same written complaint that on August 15, 2015 in between 18.00 to 18.30 hours the said Mrinal Kanti Chetri and his wife went to Rajavatkhaba market and at that time the petitioners used filthy languages to them and said Mrinal Kanti Chetri raised objection. Then the petitioners used filthy languages and assaulted them with fist and blows. As a result, said Mrinal Kanti Chetri and his wife received injuries on their person. They were treated at Latabari BPHC.

6. The petitioners have been falsely implicated in this case. The petitioners surrendered before the Court below on August 27, 2015 and they were enlarged on bail by the Court of the learned Additional Chief Judicial Magistrate, Alipurduar. After completion of investigation, the Investigating Agency submitted a charge-sheet being No. 304/2015 dated August 29, 2015 under Sections 341/323/354/34 of the Indian Penal Code.

7. The learned Magistrate took cognizance of the said offence. The continuation of such proceeding will, thus, account to abuse of process of Court and, as such, the present application was filed with the prayer for quashing of the entire proceeding under reference.

8. In the instant criminal revision none appears on behalf of the petitioners and the Opposite party No. 2 to argue the case.

9. In the circumstances, heard argument of the learned advocate who appears on behalf of the Opposite party No. 1/State.

10. Learned advocate appearing for the State submitted that the investigation revealed materials implicating the petitioners with the alleged crime.

11. Upon hearing of the learned advocate appearing for the State and on perusal of the materials on record, I find that the Investigating Agency submitted a charge-sheet against the petitioners under Sections 341/323/354/34 of the Indian Penal Code. Charge has been framed against the petitioners. I think that

this is sufficient for the purpose of the proceeding further. In the circumstances, I hold that it will not be proper for this Court to quash the proceeding at this stage. Learned Court below is directed to proceed with the case in accordance with law.

12. The application is, thus, disposed of accordingly.

13. Let a copy of this judgment be sent down to the Court below immediately for information and taking necessary action.

14. Urgent photostat certified copy of this judgment be given to the parties, if applied for, upon compliance with requisite formalities.

(Manojit Mandal, J.)