

S/L 22
09-10-2020
KAUSHIK
Ct. No. 05

CRR 1130 of 2020
I.A. NO: CRAN 1 of 2020 (Old CRAN 4467 of 2020)
(via Video Conference)

In the matter of : Aatm Prakash Singh & Anr.

Mr. Mrityunjoy Chatterjee.
... For the Petitioner

Ms. Purnima Ghosh.
... For the State

This relates to a prayer for quashing of a proceeding being G. R. Case No. 935 of 2020 arising out of Liluah Police Station Case No. 71 of 2020 dated 27th February, 2020 under Sections 406/420/506/34 of the Indian Penal Code, now pending before the learned Chief Judicial Magistrate, Howrah.

Learned advocate for the petitioner submits that, the contention raised in the First Information Report (FIR) pertains to a settlement of accounts, which cannot be decided by invoking criminal jurisdiction of a Court. It is further submitted that, the ingredients constituting the alleged offence do not exist, which is not at all supportive for the instant prosecution for its furtherance. According to petitioner, the investigation, if allowed, to be continued any more on the basis of such allegation, raised in the FIR, would be an abuse of the process of Court.

Learned advocate representing for the State submits that, investigation in this case has ended in charge-sheet on 30th June, 2020, and in view of the submission of the

charge-sheet prima facie case has been made out against the petitioner and as such quashing should be refused.

The prime contention so far as raised in this case by the petitioner is two folds. One relates to settlement of accounts, which is not permissible to be settled and decided invoking criminal jurisdiction of a Court, and the last one is the absence of necessary ingredients, supportive of prosecution.

Upon perusal of the materials available in the case records, it appears that an affidavit has been sworn by the de-facto complainant stating liquidation of the money, said to have been cheated by the petitioner/revisionist. The investigation, in the meantime, has reached its conclusion by submitting charge-sheet.

The Court is of the view, when the charge-sheet has been submitted thereby making out a prima facie against the petitioner, the petitioner should approach the Trial Court seeking discharge at the appropriate stage taking the grounds now raised before this Court. Since the petitioner is not remediless at the moment, the revisional application may be disposed of by passing a suitable direction, as mentioned hereinbelow.

Learned Chief Judicial Magistrate, Howrah is directed to consider all such points to be raised by the petitioner at the time of charge hearing of this case, and shall decide the points, so raised in terms of the provisions of the law, after providing sufficient opportunity of hearing to either of the parties in this case.

With this observations, the revisional applciation being CRR 1130 of 2020 along with connected application being CRAN 1 of 2020 (Old CRAN 4467 of 2020) are disposed of without any order as to costs.

(Subhasis Dasgupta, J.)