

30.09.2020
Item NO. 28
Ct. No19
nb/agm

**CRR 1351 of 2020
CRAN 1 of 2020**

(Via Video Conference)

In the matter of : Debajyoti Roy and Anr Petitioner

Mr. Sabyasachi Chatterjee, for the
Petitioner

Mr. Saibal Bapuli,
Ms. Sayanti Santra,
... for the State.

This is an application for quashing of a proceeding under Sections 186, 332, 341, 353 and 506 of the Indian Penal Code read with Section 51 of the Disaster Management Act.

Learned counsel appearing on behalf of the petitioners submits as follows. No prima facie case is made out against the petitioners. The police personnel failed to arrest the petitioners although the alleged incident took place inside the police station. This is unheard of. The complaint is lodged by police personnel. This casts a

shadow of doubt on the prosecution case. The petitioners are absolutely innocent and the allegations about assault by fists and blows on a lady constable are completely false. The petitioners were granted anticipatory bail by a Division Bench of this Court.

Learned Counsel appearing on behalf of the State opposes the application. According to him, the allegations made in the First Information Report are disputed questions of fact and can be dealt with only by the learned Trial Court. A charge sheet has been submitted in this case.

I have heard the learned Counsels of both the parties and perused the revision petition.

A police personnel has lodged an FIR and that was quite obvious because the alleged incident took place inside the police station. By no stretch of imagination, can it cast any shadow of doubt on the prosecution case. The First Information Report categorically asserts that a lady constable being No. LC/1880 was assaulted with fists and blows. She sustained bleeding injury on her. Besides, there were other allegations of intimidation and the like that were made in the First Information Report.

It appears that the First Information Report itself makes out a prima facie case against the petitioners.

Whether the allegations levelled are true or not are disputed questions of fact, which cannot be gone into in an application for quashing of a proceeding.

Accordingly, I do not find any merit in this application and the revisional application is dismissed.

The connected application being CRAN 1 of 2020 is also disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)