

19.11.2020

Sl. No.27

Court No.13
BM

CRR 1539 of 2020

Santosh Mondal

Vs.

State of West Bengal & Ors.

Mr. Krishnendu Bhattacharyya

Mr. Priyankar Ganguly

... for the petitioner

It is submitted by Mr. Krishnendu Bhattacharyya, learned advocate for the petitioner Mr. Santosh Mondal, son of Sri Biswanath Mondal, submits that the petitioner was arrested two years after the date of incident which took place on 14.5.2018.

The proceeding being GR Case No.706/2018 was started on the basis of Police Station case No.174/2018 dated 20.05.2018 under Section 302/34 of the Indian Penal Code in which charge sheet no.298 of 2018 dated 21.8.2018 has been submitted before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad. In the said case the copies have been served to the petitioner and other accused persons. It is submitted that the petitioner has no way connected with the case and he has been arrested on mistaken identity.

My attention was invited to the First Information Report at column 7 wherein the names of arrested accused persons have been mentioned. The name of the accused Kata Mondal, son of Late Manglu Mondal is shown as accused no.6 and on his identity the petitioner was arrested. It is pointed out that it is a mistaken identity of the petitioner. If the petitioner has been falsely implicated, that may be inquired by the learned Additional Chief

Judicial Magistrate at Jangipur, Murshidabad or even after the case is committed to the Court of Sessions by the learned Sessions Judge. It is a fact to be noted whether the petitioner raised objection of mistaken identity at the time of his arrest that he is not Kata Mondal, son of Monglu Mondal.

With the above observations this revisional application being CRR 1539 of 2020 is disposed of.

(Shivakant Prasad, J.)

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