

24.11.2020
CT No. 05
Item No. 19
pk

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

CRR No. 1626 of 2020

In the matter of:- Jhilik Basak petitioner
Mr. Arnab Saha for the petitioner

This is an application under Section 482 of the Code of Criminal Procedure praying for quashing of charge sheet No. 37/20 dated 31st March 2020 filed by the petitioner.

It is submitted by the learned advocate for the petitioner that initially the case was instituted under Sections 498A/323/307/34 of the Indian Penal Code on the basis of a complaint filed by one Moumita Mallick Sarkar against three accused persons. Jhilik Basak was not named in the FIR. Subsequently, charge sheet was filed under Sections 323/34 of the Indian Penal Code against Jhilik Basak and others. According to the learned advocate for the petitioner that Jhilik Basak has no matrimonial relation of Moumita Mallick Sarkar. Secondly, the FIR was filed on the basis of misconception of fact and, accordingly, the case may be quashed.

It is ascertained from the submissions made by the learned advocate for the petitioner that accused

Jhilik Basak has already been enlarged on bail by the trial court. Her marriage is fixed on 10th December 2020. Since the petitioner is on bail, there cannot be any obstruction in solemnization of marriage of the petitioner. However, the petitioner will have to face the trial of the case when charge sheet has been filed against her.

In view of such circumstances, I do not find any merit in the instant revisional application. The revisional application is thus dismissed summarily.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Bibek Chaudhuri, J.)