

Sr.280
27-09-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 808 of 2020

In the matter of : Anjana Regina Gomes & Anr.petitioners.

In Re : An application under Section 482 and 401 of the Code of Criminal Procedure.

Mr. Daanish Haque
Mr. Abdul Zahid

.....for the petitioners.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

...for the State.

Affidavit of service filed by the petitioners in court today be kept with the record.

The revisional application has been preferred challenging the proceedings arising out of Entally Police Station Case No. 68 of 2018 dated 15.02.2018 under Sections 341/323/114 of the Indian Penal Code pending before the learned Judicial Magistrate, 4th Court, Sealdah.

Learned advocate for the petitioners submits that on completion of the investigation, chargesheet has already been submitted and the documents have already been supplied to the present petitioners.

According to the learned advocate for the petitioners the allegations made in the letter of complaint, the chargesheet as also the other materials collected by the

investigating agency prima facie do not make out any offence against them for facing the ordeal of trial.

Learned advocate for the petitioners submits that the factual inconsistencies which are available on the face of the records relate to the date and time and place of occurrence.

According to the learned advocate for the petitioners the injury report which has been relied upon and the time of occurrence which has been mentioned therein do not tally with the letter of complaint which was contended in the letter of address to the officer-in-charge of the concerned police station.

Learned advocate for the petitioners further submits that there are civil suits pending between the parties and the present case is a counter-blast to the same. To that extent, the learned advocate for the petitioners relied upon a judgement reported in 1992 SCC (Criminal) 426 (*State of Haryana & Ors. vs- Bhajan Lal & Ors.*), more particularly category 7 of paragraph 10 of the said case.

Mr. Arijit Ganguly, learned advocate appearing for the State produces the case diary and draws the attention of this court to the relevant materials which have been collected by the investigating agency.

I have perused the case diary along with the materials which has been collected by the investigating agency and I find that the foundation of the case is based on a 80 year old landlady being assaulted by fist and blows by the tenants.

To that effect, the injury report has already been enclosed. There are minor inconsistency regarding a date, which is appearing in the medical report with that of the letter of compliant.

Be that as it may, the same are questions of fact and it would be the maker of the F.I.R who is liable to answer in cross-examination regarding the discrepancies which are appearing so far as the place of occurrence, if any.

Having regard to the factual matrix of the case, I am of the view that this court at this stage cannot go into the truth or falsity of the allegations when prima facie a case has been made out.

Having regard to the nature of materials appearing in the instant case against the present petitioners, I am of the opinion that it is not a fit case for interference at this stage and a complete trial is required to be conducted to arrive at a just decision.

Thus, the present revisional application being CRR 808 of 2020 is dismissed.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)