

CRR 848 of 2021
(Via video conference)

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : Kalyan Choudhary @ Chowdhury
..... Petitioner

Mr. Indrajeet Dasgupta
Mr. Dibashis Basu
Ms. Puspita BhowmickFor the Petitioner

Mr. Swapan Banerjee
Mr. Suman Defor the State

This is an application for quashing of a proceeding being G.R. case no. 7784 of 2018 pending before the Learned Additional Chief Judicial Magistrate, Barrackpore, under Sections 186/332/333/353/504/506/427/34 of the Indian Penal Code, 1860 and Section 3/4 of the Prevention of Damage to Public Property Act, 1984.

Mr. Indrajit Dasgupta, learned advocate for the petitioner submits that the petitioner lodged a complaint before the Barrackpore Police Station on December 31, 2017, against one Krishna Jaiswara, following which, an FIR was registered by the said police station under Sections 341/323/325/504/506 of the Indian Penal Code, 1860. Very surprisingly, when the police came to investigate the offence, they apprehended said Krishna Jaiswara, but also lodged the aforesaid case being G.R. case no. 7784 of 2018 against the petitioner and others with some false allegations. It has further been alleged by Mr. Dasgupta that the petitioner is a public servant being a member of Barrackpore

Cantonment Board and before lodging the prosecution, the required sanction under Section 197 of the Code of Criminal Procedure, 1973 was not obtained.

The petitioner was directed to produce the complaint filed by him in connection with the Barrackpore Police Station Case No. 142 of 2017 dated December 31, 2017.

The State was also directed to produce the case diary.

The complaint filed by the petitioner on December 31, 2017, does not disclose that the said complaint was lodged in discharge of any official duty. The said complaint is absolutely private in nature.

The case diary also reveals that the alleged commission of offence by the petitioner in connection with the G.R. Case No. 7784 of 2018, has no nexus with the discharge of public duty by the petitioner.

The learned Magistrate in the Court below by an order dated December 29, 2020, refused to discharge the petitioner when an application was filed by him on the ground of sanction.

I have already indicated that neither the complaint of the petitioner dated December 31, 2017, nor the record of the Barrackpore police station case no. 1 of 2018 dated January 1, 2018, discloses that the petitioner acted in discharge of his public duty or purported of discharge of his duty.

No interference is called for at this stage.

The charge sheet in this case has been filed in the year 2020.

The learned Magistrate in the Court below will make an endeavour to conclude the trial within one year from the date of

commencement of evidence without granting any unnecessary adjournment to the parties.

Needless to mention that the learned Magistrate in the Court below will decide the case without being influenced by any observations made in this revisional application.

Accordingly, **CRR 848 of 2021** is disposed of.

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

(Kausik Chanda, J.)