

08.09.2021

Sl. No. 48

Srimanta

Ct. No. – 34

D/L

CRR/1620/2012

(Via Video Conference)

In Re : An application under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the proceeding being Kakdwip Police Station Case No. 428 of 2011 dated 16.10.2011 under Section 497 of the Indian Penal Code pending before the Learned Additional Chief Judicial Magistrate at Kakdwip, District – South 24-Parganas.

In the matter of : Priyalal Chakraborty.

... petitioner.

Mr. Arijit Ganguly, Adv.,
Mr. Sandip Chakraborty, Adv.

...for the State.

In view of the decision of the Hon'ble Supreme Court in ***Joseph Shine –Vs.- Union of India*** reported in **(2018) 2 SCC 189** the provision of Section 497 of the Indian Penal Code has been struck down. I am of the view that the charge-sheet which has been submitted under the said Section in connection with the Kakdwip Police Station Case No. 428 of 2011 is not tenable in law. Consequently, all further proceedings of Kakdwip Police Station Case No. 428 of 2011 dated 16.10.2011 is hereby quashed.

Pending application, if any, is consequently disposed of.

Interim order, if any, be hereby vacated.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)