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C.R.R. No.2189 of 2021
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Rimpa Sarangi & Anr.
Versus
The State of West Bengal & Anr.

Mr. Sabir Ahmed,
Mr. Somnath Sarkar,
Mr. Mujibar Ali Naskar,
Mr. Shraman Sarkar,
Mr. Hillol Saha Podder.
...for the petitioners.

Mr. Sabir Ahmed, learned advocate appearing on behalf of the petitioners prays for quashing of the proceedings on the ground that the police authorities have registered the case almost after four months of the incident. Learned advocate further submits that initially it was the present petitioners who complained to the police authorities regarding the act/conduct of the complainant and his associates for which Jhargram (Women) Police Station Case No.95 of 2020 dated 30.08.2020 was registered for investigation under Sections 341/509/506/34 of the Indian Penal Code.

According to the learned advocate, as charge-sheet has already been submitted in connection with the said case being Jhargram (Women) Police Station Case No.95 of 2020, then there is no scope for the subsequent case being NCR Case No.29 of 2021 dated 14.01.2021 coming into effect as the outcome of the first investigation could have revealed the incidents which have been

reflected in the subsequent case. The subsequent case is an afterthought one, and is an abuse of the process of law, as such, the same should be quashed.

I find that the complainant and the accused persons have filed their cases against each other which have been independently investigated by the investigating authority and on completion of investigation each of the case, the police authorities have placed their opinion before the learned court, and the learned court took cognizance of the offence.

Learned CJM, Jhargram is directed to see that whether the contents of the Jhargram (Women) Police Station Case No.95 of 2020 and NCR Case No.29 of 2021 dated 14.1.2021 are case and counter-case. In case, the learned CJM, Jhargram comes to the conclusion that the two cases are case and counter-case, the learned CJM, Jhargram would deal with both the cases himself or delegate to a particular Magistrate who would try the cases one after the other and deliver the judgment on the same date.

Needless to state that the issues so raised before this Court were restricted to the contents of the revisional application and this Court has not gone into the truth and falsity of the allegations. As such, the learned Magistrate trying the case would independently consider the issues and arrive at his own finding by ignoring any of the observations made by this Court while disposing of the present revisional application.

No interference is called for at this stage before this Court.

Accordingly, CRR 2189 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)