

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 2337 of 2021

Ratan Mistri
Vs.
The State of West Bengal & Anr.

For the Petitioner : Mr. Hironmay Ghosh,
Mr. S. K. Mukherjee.

Heard on : 25.11.2021

Judgement delivered on : 25.11.2021

Jay Sengupta, J. :

1. This is an application for quashing of a proceeding being GR Case No.112 of 2021 pending before the learned Additional Chief Judicial Magistrate, Dakshin Dinajpur in which a charge sheet was submitted under Sections 341, 354 and 506 of the Penal Code.
2. Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner was falsely implicated in this case because he refused to marry the de facto complainant/opposite party. No prima facie case is made out made out against the petitioner as would be evident from a plain reading of the First Information Report and the charge sheet. In fact, the charge sheet is a ditto

reproduction of the First Information Report. No witnesses were interrogated to sustain the proceeding.

3. I have heard the submissions of the learned Counsel appearing on behalf of the petitioner and have perused the revision petition.
4. From a plain reading of the First Information Report, it appears that a prima facie case is made out against the present petitioner. The de facto complainant has clearly alleged the offending acts committed by the petitioner. The main allegations are that the petitioner used to eve tease her. On her protest, he outraged her modesty, threatened to kill her and even tried to throttle her.
5. I do not find that the charge sheet is an act of copy paste from the First Information Report.
6. Moreover, as many as eleven witnesses have been cited in the charge sheet.
7. The contentions raised by the petitioner essentially pertain to questions of disputed facts, which could not be decided before trial.
8. Accordingly, I do not find any merit in this application. The same is, thus, dismissed.
9. However, there shall be no order as to costs.
10. The petitioner shall be entitled to take up all the points raised herein before the learned Trial Court at the appropriate stage.
11. With these observations, the revisional application is disposed of.

12. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

NB