

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 163 of 2022

Basiruddin Miah
Vs.
The State of West Bengal & Anr.

For the Petitioner : Ms. Jeenia Rudra

Heard on : 2nd February 2022

Judgment on : 2nd February 2022

The Court:

This is an application seeking quashing of the proceeding in which a charge sheet was submitted under Sections 323, 341, 427, 506 read with Section 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners are absolutely innocent. They have been falsely implicated in the present case which was started by way of an application under Section 156(3) of the Code. They have been granted bail in this case. From a plain reading of the F.I.R. it becomes apparent that no prima facie case is made out against the petitioners. Therefore, the proceeding should be quashed.

I have heard the submissions of the learned counsel for the petitioner and have perused the revision petition including the F.I.R and the Charge Sheet appended with the revision petition.

It appears from the F.I.R. that the de facto complainant had alleged that when she and her husband went to reap the harvest in their field, the petitioners came with arms, abused and assaulted them. When she protested, the accused threw her on the field and started to assault her with a bamboo stick. She was molested. There was also an attempt to throttle her. Thereafter, the accused came with iron rod and other arms and a tractor and destroyed their harvest. The informant and the other victims had to be treated at a hospital.

Therefore, from a plain reading of the F.I.R. it appears that a prima facie case is made out against the accused.

Besides, whether the petitioners are innocent are disputed questions of fact which can be gone into only at the time of trial.

In view of the above, I do not find any merit in this application.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

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

(JAY SENGUPTA,J)