

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 476 of 2022

Shyamal Pal & Ors.

-vs-

The State of West Bengal & Anr.

For the Petitioners : Mr. Pronojit Roy

Heard on : 21.02.2022

Judgment on : 21.02.2022

Jay Sengupta, J.:

This is an application challenging a proceeding in which a charge sheet was submitted under Sections 323, 325, 341, 354, 506 read with Section 34 of the Penal Code.

Learned counsel for the petitioners submits as follows. The petitioners are the accused in this case. A quarrel had indeed taken place between the adverse parties. As a result, the petitioners had

also suffered injuries. However, the complaint lodged on their behalf was not taken into consideration by the police. Only the instant counter case was registered where the petitioners shown as accused. No prima facie case is made out as would be evident from a plain reading of the First Information Report and the charge sheet. The petitioners are absolutely innocent and they have not committed the crimes as alleged.

I have heard the submissions of the learned counsel for the petitioners and have perused the revision petition.

If a complaint lodged on behalf of the petitioners was not taken into consideration by the police, there were remedies available to them to have the same registered as an FIR if allegations at all made out a cognizable case.

However, that is no ground to quash the present proceeding where it has been categorically stated by the de facto complaint that the petitioners had assaulted the victim.

In fact, the victim had to be treated in a hospital. The charge sheet also includes the name of a doctor as a witness.

It appears that prima facie case is made out against the petitioners as would be evident from a plain reading of the First Information Report and the charge sheet.

Moreover, whether the petitioners were innocent or not or whether they committed the alleged offences or not are disputed questions of fact, which cannot be gone into before a 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.)