

14.11.2022

Court No.35
Item No. 8

d.g.

CRR 347 of 2016
With
CRAN 2 of 2016 (Old No. CRAN 4305 of 2016)

Morjem Sk. @ Marjen Sk.
Vs.
The State of West Bengal

Mr. Rajiv Lochan Chakraborty,
Mr. Debapratim Guha,
Mr. Priyanjit Kundu,
Ms. Anchita Sarkar.

... For the petitioner

Mr. N.P. Agarwala,
Mr. Pratick Bose.

... for the State

The petitioner who is an accused person in connection with Raninagar Police Station Case No. 121 of 2015 dated 13th April, 2015 under Sections 379/411/413/414/34(ii) of the I.P.C. and 21 (c)/29 of the Narcotic Drugs and Psychotropic Substances Act, has come up in this revision, to challenge the proceedings thereof and with the prayer for quashing of the proceedings as stated above.

Briefly speaking, the grounds the petitioner is relying on is that his complicity transpires from the weakest piece of evidence that is statement of the other co-accused persons and his name has never appeared in the FIR or any other substantive piece of evidence.

According to the petitioner, he has been falsely implicated in this case and the case should not be considered as maintainable against him.

The State is represented when the case diary of Raninagar Police Station Case No. 121 of 2015 dated 13th April, 2015 is produced in Court. The relevant portion of the case diary is referred to submit that the implication of the petitioner is based on the materials collected during investigation that is by interrogating the other co-accused persons. It is submitted that in view of such fact, at this stage, the petitioner's prayer may not be granted.

Heard both the parties. Perused the materials before me, further noted that the next date in the Trial Court is fixed for appearance for

the accused persons and consideration of the charge. So far as the prima facie case against the petitioner is concerned, it appears to be transpiring from the materials in case diary. At this stage, when the Court is ready to frame charges, it is not proper to plunge into deciding whether petitioner's implication was right or wrong, which would otherwise be a question of adjudication, in the Trial Court.

The same should be left to the Trial Court to decide, where all the parties would duly placed their respective points.

So far as this revision case is concerned, I do not find any merit in the same, as discussed above.

Hence, CRR 347 of 2016 is dismissed.

Case diary be returned.

Report in the form of Memo of evidence dated 16.10.2022 submitted on behalf of the State, be kept with the record.

Pending application, if any, is consequently disposed of.

Parties are granted liberty to obtain server copy of this order, for any future reference, until certified copy of the same is obtained.

(Rai Chattopadhyay, J.)