

06.04. 2022
item No.10
n.b.
ct. no. 34

CRR 1132 of 2019
Md. Nooruzzaman
Vs.
State of West Bengal & Anr.

Ms. Pramita Banerjee
.....for the Petitioner

Mr. S. G. Mukherjee, P.P.
Mr. Arijit Ganguly,
Ms. Debjani Sahu
.....for the State.

The revisional application has been preferred challenging the proceedings arising out of Madhyamgram Police Station Case No. 435/17 dated 10.8.2017 under Sections 498A/406/323/506/34 of the Indian Penal Code.

Learned advocate appearing for the petitioner submits that on self-same cause of action Madhyamgram Police Station case no.406 of 2018 dated 24.7.2018 under Sections 498A/307/506 of the Indian Penal Code was also registered for investigation. The contention of the learned advocate for the petitioner is that on the test of sameness one of the FIR should be quashed.

I have perused contents of FIR of both the cases, so far as the First Information Report relating to Madhyamgram Police Station Case No.406 of 2018 dated 24.7.2018 is concerned, the same is on the foundation of an incident dated 23.7.2018 which narrates that the accused person along with associates had thrown acid on her, somehow the complainant could save herself and thereafter, she was mercilessly assaulted. So far as the version of

the complainant is concerned the same is corroborated by medical document dated 23.7.2018 issued by Government Hospital.

Having regard to the incident which is the foundation of the offence in respect of Madhyamgram Police Station Case no.406 of 2018, I am of the opinion, on the taste of sameness none of the FIR can be quashed, as each of the incident are separate. There may be issues regarding the applicability of all sections in respect of offences alleged and the charge sheet so filed. So far as the same is concerned the petitioner would be at liberty to agitate the applicability of the sections of the Indian Penal Code at the stage of consideration of charge.

With the aforesaid observations, CRR 1132 of 2019 is disposed of

All pending connected applications, if any, are consequently disposed of.

Interim order, if any is hereby vacated.

Case Diary of both the cases be returned to the learned advocate appearing for the State.

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

(Tirthankar Ghosh, J.)