

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1744 of 2022

**Amitabha Bhowmik
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Mr. Dipanjan Chatterjee, Adv.,
Mr. Subhadip Chakraborty, Adv.
Ms. Dipika Banu, , Adv.,
Ms. Puja Kar, Adv.**

Judgement on : 14.11.2022.

Bibek Chaudhuri, J.

The petitioner being the accused in connection with Baranagar Police Station Case No. 409/2020 dated 22nd September, 2020 under Sections 354A/506/509 of the Indian Penal Code read with Section 3(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information and Technology Act, 2000 has approached this Court for quashing of the aforesaid criminal proceeding.

At the outset, in view of filing of charge-sheet under Section 3(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, this Court is not in a position to quash the impugned proceeding. However, it is submitted by the Learned Advocate for

the petitioner that the petitioner or the *de facto* complainant does not belong to a member of scheduled caste or scheduled tribe. In such situation the provision of the scheduled castes and scheduled tribes (Prevention of Atrocities) Act cannot be said to be attracted.

The petitioner is at liberty to raise the above issue before the Learned Trial Judge at the time of consideration of charge.

With regard to his prayer for quashing of the criminal proceeding involving other offences under the penal code and Information and Technology Act, this Court is of the view that at this stage it is not possible for the Court to consider the veracity of the allegation on the *prima facie* case without hearing to be made by the Learned Trial Judge on the point of framing of charge and such order thereof.

Therefore, the instant revision is **dismissed** being premature. However, the petitioner is not debarred from filing the revisional application with similar prayer at an appropriate stage for redressal of his grievance.

The Learned Trial Judge is requested to take up the hearing of the case on consideration of charge positively on the next date fixed.

(Bibek Chaudhuri, J.)