

16.11.2022
Item No.01
BR

CRR 1419 of 2005
with
CRAN 4 of 2010,CRAN 6 of 2011,CRAN16 of 2018,
CRAN 17 of 2018

In the matter : Kartick Chandra Saha

Mr.Sanjib Bandopadhyay,
Mr. Monoj Kumar Mondal
... for the Petitioner

Mr. N.P.Agarwal,
Mr. Pratick Bose for the State

This application under Section 482 of the Cr P C with Section 397/401 of the Cr P C is preferred by accused Kartick Chandra Saha seeking an order of quashment of Aundal P.S. Case No. 214 of 2001 dated 14th December, 2001 registered under Section 467/468/471/420 and 120B of the Indian Penal Code including the order dated 6th April, 2005 passed by learned Judicial Magistrate, Durgapur while framing charge against the petitioners .

Briefly stated once Smt. Sulekha Nanda , Sub-Inspector of School, Ukhra Circle informed the Officer-in-Charge of Aundal P.S. in writing that during her visit at Srirampore Primary School on 12th December, 2001 she found one Mr. Prabir Saha, claimed to have newly appointed in the school as teacher on the basis of an appointment letter under the signature of Smt. Nanda, which was forged. After further enquiry Smt. Nanda came to know that three other persons , named Prabir Saha, Surajit Saha and Biswajit Das also joined the school in the same manner. As the information disclosed offense cognizable in nature Aundal P.S. Case No. 214 of 2001 dated 14th

December was registered . During Investigation police raid the house of Kartick Chandra Saha at N.S.B. Road, Raniganj and found three FIR named accused persons who were given protection of Section 438 of the Cr P C by the learned Sessions Judge, Burdwan . The Investigating Officer did not arrest those three persons but examined them and pursuant to statement made by those three persons arrested Kartick Chandra Saha. After his arrest Kartick Chandra Saha made a statement before the police and produced eight number of forged appointment letters in the name of different candidates along with other papers which were seized by the I.O. Mr. Sanjib Bandopadhyay, learned counsel for the petitioner submits that Kartick Saha was not named in FIR. He has been falsely implicated in this case and he was innocent. He gave shelter to the FIR named accused persons which is why police arrested Kartick Saha. According to Mr. Bandopadhyay this Court should set aside the order passed by learned trial Court while framing charge against the petitioner and the Aundal P.S. Case No. 214 dated 14.12.2001 deserved an order of quashment to avert abuse of process of law and to save an innocent person.

Mr. Bandopadhyay, learned counsel makes me go through the forwarding letter wherefrom it appears that Kartick Saha was arrested and pursuant to such arrest he made statement before the police and some incriminating documents including fake appointment letters were recovered from the possession . This factum prima facie makes the petition under consideration devoid of merit. This is not a fit case to invoke the inherent jurisdiction to quash the proceeding as prayed for.

The criminal revision stands dismissed but without costs. Application, if any, stand dispoed of and interim orders, if any, stands vacated.

Let a copy of the judgment be sent down to the learned Court below for information and necessary action.

Urgent certified copy be made available , if applied, therefor, upon compliance of requisite formalities.

All parties are to act on the server copy of this order duly downloaded.

(Siddhartha Roy Chowdhury, J.)