

01-07-2022
KB
Item no.23

C.R.R. No.2066 of 2022

Sri Amitabha Bhowmick & Anr.
-vs-
The State of West Bengal & Anr.

Mr. Dipanjan Chatterjee
Mr. Subhadip Chakraborty ...for the petitioners.

This is an application under Section 482 of the Code of Criminal Procedure filed by the petitioners praying for quashing of G.R. Case No. 7132 of 2021 pending before the Learned Chief Judicial Magistrate, Howrah, arising out of Domjur Police Station Case No. 994 of 2021 dated 15th December, 2021 under Sections 341/325/506/34 of the Indian Penal Code.

The learned advocate for the petitioner draws my attention to the certified copy of the written complaint submitted by opposite party no.2, Smt. Anju Singh. It is alleged in the written complaint that in the night of 11/12 December, 2021 at around 2 A.M. the accused persons along with the wife of petitioner no.1, Amitabha Bhowmick started abusing the defacto complainant and his family members in a loud voice and when the defacto complainant came to the spot to raise an objection, one Srirupa Bhowmick, wife of Amitabha Bhowmick pushed him back as a result of which he fell down and received injury.

It is submitted by the learned advocate for the petitioner that there is no allegation of 341 or 325 against the petitioners.

It is alleged that they abused the defacto complainant and her family members in a loud voice. They also abused them using racial

slang like “Biharika Baccha”.

On perusal of the materials on record, this Court is of the view that instant criminal revision can be disposed of with the assistance of Learned Public Prosecutor-in-Charge.

Mrs. Sujata Das, Learned Public Prosecutor-in-Charge be requested to assist this Court.

Learned advocate for the petitioners is requested to serve a copy of the application to Mrs. Das.

Appointment of Mrs. Das be regularised by the Legal Remembrancer, Government of West Bengal.

On careful perusal of the F.I.R., I am in agreement with the learned advocate for the petitioners that charge under Sections 341 and 325 of the Indian Penal Code will not lie against the present petitioners. However, they are liable to be tried under Sections 506/34 of the Indian Penal Code.

With the above observations, the instant criminal revision is disposed of.

Learned Chief Judicial Magistrate, Howrah is directed to take into consideration the observation of this Court while disposing of the instant revision at the time of framing of charge against the petitioners.

The petitioners are at liberty to communicate server copy of this order on the basis of which the learned Chief Judicial Magistrate is entitled to take action.

(Bibek Chaudhuri, J)

