

Form J(2)

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

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

**C.R.R. 2233 of 2022**

**Sukamal Biswas  
Vs.  
The State of West Bengal & Anr.**

**For the petitioner : Mr. Jayanta Narayan Chatterjee, Adv.  
Mr. Nazim Ahmed, Adv.  
Ms. Jayashree Patra, Adv.**

**Heard on : 11.07.2022**

**Judgment On : 11.07.2022.**

**Bibek Chaudhuri, J.**

In the instant revision, the petitioner has prayed for quashing of further proceedings in Sessions Case No.80 of 2022 pending before the learned Chief Judicial Magistrate at Raiganj under Sections 326/307/302/109/120B/212/201/34 of the Indian Penal Code read with Sections 25(i) (o)/27/35 of the Arms Act arising out of Raiganj Police Station Case No.844 of 2021 dated 28<sup>th</sup> September, 2021.

I am in agreement with Mr. Jayanta Narayan Chatterjee, learned Advocate for the petitioner that from the case of the

prosecution one Shital Roy was shown as the principal accused. Sukamal Biswas, the petitioner herein, is a father-in-law of the said Shital Roy. Complicity against Sukamal Biswas transpires on the basis of the confessional statement made by accused Shital Roy. I also admit that confessional statement made by one accused against them is not admissible in evidence. From the materials on record, I do not find any material that the petitioner conspired with other accused persons for committing offence under Sections 326/307/302/120B of the Indian Penal Code.

However, fact remains that the principal accused came to the house of the said Sukamal Biswas after committing the offence. He took some money from Sukamal Biswas and had kept his firearms with Sukamal. Police recovered the firearms from the house of Sukamal Biswas.

Therefore, there is prima facie material of committing offence under Section 201 of the Indian Penal Code by the petitioner in the instant case. Accordingly, I am not inclined to quash further proceedings of Sessions Case No.80 of 2022. The Trial Judge shall consider the observation made hereinabove in respect of the role of the petitioner at the time of framing of charge. The Trial Judge shall also take independent decision on perusal of the materials under Section 207 of the Code of Criminal Procedure as to whether any

offence under the Arms Act is made out against the petitioner or not at the time of framing of charge.

The instant revision, is, thus, **disposed of**.

**(Bibek Chaudhuri, J.)**

***Mithun De/  
A.R. (Ct).  
SI No.94.  
M/L.***