

Form J(2)

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

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

CRR 2255 of 2022

**Rajat Chakraborty @ Rajot Kumar Chakraborty
Vs.
The State of West Bengal**

**For the petitioner : Mr. Rabiul Islam, Adv.
Mr. Raju Mondal, Adv.**

**Heard &
Judgement on : 06.07.2022.**

Bibek Chaudhuri, J.

The petitioner has come up with the instant application for quashing charge-sheet dated 14th March, 2022 filed before the Learned Additional Sessions Judge, 1st Court at Asansol in connection with Chittaranjan Police Station Case No. 3/2022 dated 17th January, 2022 under Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act and corresponding Special (SC/ST_ Case No. 02/2022).

It is found on perusal of the materials-on-record that the opposite party no. 2 filed a written complaint before the Inspector-in-Charge, Chittaranjan Police Station stating, *inter alia*, that accused abused her and threatened her in the name of her caste. During investigation, Police seized a certificate, on perusal of which it is

ascertained that the *de facto* complainant is a member of 'Pundra' caste which is a designated scheduled caste.

It is submitted by the Learned Advocate for the petitioner that in order to attract the provision of Section 3 of the said Act there must be an allegation that accused has abused the *de facto* complainant in public. However, there is no ingredient in the FIR. It is also submitted that the petitioner and the opposite party no. 2 reside in Railway quarters at Chittaranjan. Over different issues there may be some disputes, disturbance and differences between the parties but the allegation attracting Section 3 of the said Act is absolutely false. The Learned Advocate for the petitioner has also shown the statement of two independent witnesses recorded under Section 161 of the Code of Criminal Procedure to prove that no such incident took place on the date and time as alleged by the petitioner.

In the instant case, Police has already submitted charge-sheet. It is alleged that the petitioner was abused in the name of her caste. From the documents seized by the Investigating Officer it is *prima facie* proved that the complainant belongs to a member of scheduled caste. Whether she was abused in public or not, is to be determined by the Court below. At this stage, sitting in revisional jurisdiction this Court is not in a position to examination the materials collected by the Investigating Officer. However, the petitioner is at liberty to raise all these issues at the time of framing of the charge in the Trial Court. If the Trial Court comes to a conclusion that from the case diary no case is made out, he is at liberty to pass an order discharging the accused/petitioner.

The application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)