

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 1993 of 2021

Sandeep Krishna Rohatgi

-Vs-

Suman Konar & Ors.

Petitioner in person: Mr. Sandeep Krishna Rohatgi.

For the opposite party: Mr. Sabyasachi Banerjee,
Ms. Nahid Ahmed.

For the State:- Mr. Swapan Banerjee,
Mrs. Purnima Ghosh.

Heard on: 17 August, 2022.

Judgment on: 09 September, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application under Section 482 of the Code of Criminal Procedure filed by the accused of C.G.R No.3522 of 2016 arising out of New Alipore Police Station Case No.231 of 2016 dated 1st August, 2016 under Sections 341/323 of the IPC.

2. The accused/petitioner represented in person at the time of hearing of the instant revision.

3. At the outset I am constrained to record that the revisional application contains various extraneous averments not connected with the relief prayed for by the petitioner.

4. Accordingly this Court does not find it necessary to record such averment while passing final order in the instant revision.

5. Suffice it to record that on the basis of a written complaint submitted by one Suman Konar on 1st August, 2016 New Alipore Police Station Case No.231 of 2016 dated 1st August, 2016 was registered against the petitioner under Section 341/323 of the IPC. It is ascertained from the formal FIR that the defacto complainant namely Suman Konar lodged a written complaint against the petitioner alleging, inter alia, that on 1st August, 2016 at about 12.45 pm the defacto complainant was wrongfully restrained by the petitioner in front of Premises No.70A, Block-D, New Alipore, Kolkata-700005 and was assaulted by him.

6. According to the petitioner the said FIR was false, concocted and manufactured by the above named defacto complainant under the influence of his master. On the contrary, on 1st August, 2016 the petitioner was severely assaulted by one Raj Kumar Sethia and his drivers. Suman Konar is one of the drivers of the said Raj Kumar Sethia.

7. It is further submitted by the petitioner that on 1st August, 2016, on the basis of a written complaint submitted by the said Suman Konar is a counter blast against petitioner's case which was registered at the earlier point of time. Therefore, the petitioner has prayed for quashment of

further proceedings in respect of C.G.R No.3522 of 2016 arising out of New Alipore Police Station Case No.231 of 2016.

8. I have heard the petitioner in person, learned Advocate for the opposite party as well as the learned P.P-in-Charge. I have also perused the case diary. It is ascertained from the case diary that on completion of investigation, police submitted charge-sheet against the petitioner under Section 341/323 of the IPC. During investigation police seized the injury report of the defacto complainant. The Investigating Officer examined the witnesses and recorded their statement under Section 161 of the Cr.P.C. The learned Magistrate took cognizance of offence on the basis of the police report.

9. Under such circumstances, especially when prima facie case against the accused has been established, criminal proceeding cannot be quashed.

10. In view of what has been stated above, I do not find any merit in the instant revision and accordingly the revisional application is dismissed.

(Bibek Chaudhuri, J.)