

11.04. 2022
item No.34
n.b.
ct. no. 34

CRR 2287 of 2018

Sarbani Bose & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Jayanta Narayan Chatterjee,
Mr. Debasis Banerjee,
Ms. Nandini Chatterjee,
Mr. Nazir Ahmed,
Ms. Jayashree Patra,
Ms. Sreeparna Ghosh,
Ms. Pritha Sinha
.....for the Petitioners

Mr. Imran Ali,
Ms. Debajani Sahu
.....for the State

Mr. Sukanta Roy,
Mr. Anjan Dutta
... for the opposite party no.2

The subject matter of challenge of the present revisional application relates to Baranagar Police Station Case No.841 of 2014 dated 18.11.2014 under Sections 420/506/34 of the Indian Penal Code wherein after conclusion of investigation police authorities submitted charge-sheet.

The report under Section 173 of Code of Criminal Procedure under serial no.11 relating to details of properties/ Articles/ Documents recovered/Seized during investigation do not reflect that any document has been made the subject matter of present case and whole of the case is based on oral statements of the complainant and two witnesses and three police officers connected with the investigation of the case. As is revealed from the

letter of complaint addressed to the Officer-in-Charge of the Baranagar Police Station by the complainant namely, Smt. Doyel Hazra that she was employed with Max HR Media Infotainment which was situated at the First Floor of 18/1, Vivekanda Road, Kol-108 and the work carried out in his office was presentation of news through internet under the caption www. News prime time.com. One Smt. Sarbani Bose the petitioner herein was the Chief of the said office and her husband and other relations were also entrusted with all jobs associated with the administration of the said company. The informant/opposite party no.2 alleges that no salary was paid to the employees since October, 2014 and when the amount of salary was demanded, the informant/opposite party was insulted by the said Smt. Sarbani Bose on 17.11.2014. It has also been alleged that the accused persons threatened that the informant/opposite party would be abducted if she further demanded any sum. The office was finally locked on 18.11.2014 by the Management and the informant and the other employees informed the same to the landlady namely, one Kastari Sengupta and the Councilor namely, Minati Chattaraj on 18.11.2014. Even when the informant and the employees demanded their salary, they were threatened of dire consequences.

I have perused the materials available in the Case Diary which consists of six witnesses amongst whom three police witnesses and the other three witnesses happens to be the complainant one, Biswanath Das and another Karunamay Sengupta. I do not find any association of Biswanath Das and Karunamay Sengupta.

I do not find from the contents of the statement of witnesses whether they were employed with the said company and also do not find in the charge-sheet in the report under Section 173 of the Code of Criminal Procedure that any document has been relied upon to establish the relationship between Doyel Hazra and the Company namely, Max HR Media Infotainment. There is no seizure list also in the Case Diary to suggest that any document relied upon by the Investigating officer. The only allegations which I find is tenable is the allegation of threat by accused petitioner no.3 on 17.11.2014 and 18.11.2014. The same is restricted to Section 506 of the Indian Penal Code.

Having regard to the materials appearing in the case records and/or collected by the Investigating Agency in course of investigation, I am of the opinion that no case has been made out against the petitioner no.1 and petitioner no.2 for the present. Accordingly, all further proceedings relating to Baranagar Police Station case No. 841 of 2014 so far as the petitioners being, Sarbani Bose/petitioner no.1 and Rajdip Bose/petitioner no.2 are concerned is hereby quashed. The prosecution would continue against the petitioner no.3 namely, Biplab Saha.

Accordingly, CRR 2287 of 2018 is partly allowed.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

However, the aforesaid order will not preclude the complainant to adduce additional evidence in course of trial of the case and the learned Magistrate if satisfied would be entitled to

invoke the provisions of Section 319 of the Code of Criminal Procedure against the accused persons, if materials surface in course of evidence.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)