

D/L47
April 8,
2022
Bpg.

CRR No.2069 of 2019

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Adil Naser & Anr.
Versus
The State of West Bengal & Anr.

Mr. Sk. Jayed Hossain,
Ms. Afreen Begum.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Debjani Sahu.
...for the State.

Report submitted by the learned Public Prosecutor be
kept with the record.

The grievance of the petitioners relates to quashing of the
proceedings arising out of Ekbalpur Police Station Case No.141/15
dated 22.04.2015 under Sections 353/506/114 of the Indian Penal
Code and the charge-sheet filed therein in connection with the said
case.

Learned advocate appearing for the petitioners has
vehemently argued regarding the continuity and sustenance of the
proceedings in view of the conflicting materials appearing on record.
It has been submitted that the evidence which has been adduced in
the departmental proceedings and the statement of the same under
Section 161 of the Code of Criminal Procedure are completely
different. Additionally, it has been brought to the notice of this

Court regarding the order passed by the Human Rights Commission and consequential steps taken by the department.

Mr. Mukherjee, learned Public Prosecutor appearing for the State produces the case diary and draws the attention of this Court to the injury report sustained by the complainant as also the statement of the witnesses.

Having regard to the materials appearing in the case diary, I am of the opinion that at this stage there is no scope for interference as the supporting materials in the case diary do favour continuance of the proceedings. So far as the other materials are concerned in respect of other cases, I am of the view that the same are to be brought on record in course of the trial and are to be considered at the stage of final argument of the case.

Having regard to the observations made above, I am of the opinion that no interference is called for.

Accordingly, CRR 2069 of 2019 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)