

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 2344 of 2021

Rupak Chakraborty
Vs.
The State of West Bengal & Anr.

For the Petitioner : Mr. Jayanta Narayan Chatterjee
Mr. Nazir Ahmed
Ms. Supreen Naskar
Ms. Jayashree Patra
Ms. Ritushree Banerjee
Mr. S. Koley

For the State : Mr. S. G. Mukherjee, Ld. P.P.
Mr. Imran Ali
Ms. Debjani Sahu

Heard on : 23rd February 2022

Judgment on : 23rd February 2022

The Court:

This is an application seeking quashing of a proceeding in which a charge sheet was submitted under Sections 323, 325, 354B, 427, 448 read with Sections 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case. He was not specifically named in the F.I.R. Even in the statement recorded of the victim under Section 164 of the Code, there is no mention of his name. The petitioner is a civic volunteer. He has been politically targeted. As a result, his job has been taken away. No prima facie case is made as would be evident from a plain reading of the F.I.R. and the charge sheet. Any further continuation of the impugned proceeding shall be an abuse process of the Court.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The F.I.R. was lodged by the victim against certain accused and some unnamed others. It was a neighbour of the victim who had taken the name of the present petitioner as one of the assailants. The witness had categorically stated the circumstances under which he came to know about the identity of the present petitioner. There are injury reports contained in the case diary. A prima facie case is made out against the petitioner and others.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the revision petition.

It appears from the statement of a neighbour of the victim appearing at page 35 of the case diary that the present petitioner was also involved in the crime along with these accomplices. The witness had come to know about his identity because the petitioner and others used to come to the locality for chatting.

It also appears that there are other statements contained in the case diary as well as injury reports.

The prosecution case is that offences were committed in the same transaction.

In view of the same, a prima facie case is made out against the petitioner as well. Therefore, I do not find any merit in this revisional application

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

Nevertheless, it shall be open to the petitioner to raise all the points taken up in this application before the learned Trial Court at the appropriate stage.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(JAY SENGUPTA,J)