

06.04. 2022
item No.2
n.b.
ct. no. 34

CRR 2881 of 2018
+
IA No. CRAN 1 of 2019(Old No. CRAN 2970 of 2019)

Kuntal Das
Vs.
State of West Bengal & Anr.

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett
.....for the Petitioner

Md. Anwar Hossain,
Ms. Sreyashee Biswas
.....for the State

This revisional application has been preferred challenging the proceedings arising out of Patrasayar Police Station Case no.155 of 2017 dated 28.6.2017 under Section 379 of the Indian Penal Code.

The police authorities on conclusion of investigation submitted charge sheet under Sections 379 and 411 of the Indian Penal Code. In course of investigation Police Authorities collected evidence and recovered the vehicle.

The charge sheet reflects that five witnesses have been relied upon for the purpose of proving the case while seven witnesses who participated in course of investigation from the police department were also relied upon aggregating to total number of twelve witnesses.

I have gone through the statement of Sk. Samrat, Sk. Rafikul Alam, Deb Kumar Karmakar and Debeswar Nandi, the

cumulative assessment of their evidence reflects that there was a family dispute between the de facto complaint and the present petitioner and the witnesses have stated that they suspect that it could have been the petitioner who was involved in the theft of the vehicle.

Having regard to the fact that the recovery of the vehicle was made from a different place which do not associate the present petitioner with the crime, I am of the opinion, that for “some suspicion the petitioner should not be directed to face the ordeal of a trial.” Accordingly, all further proceedings arising out of Pastrasayar Police Station case no.155 of 2017 dated 28.6.2017 including the charge sheet filed therein as also the order of taking cognizance of the offences are hereby quashed.

Thus, CRR 2881 of 2018 is allowed.

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

Interim order, if any, is hereby made absolute.

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

(Tirthankar Ghosh, J.)