

30.11.2023

Sl.No. 1

Ct. 32

P.A.

CRR 10 of 2022

Sazid Laskar @ Sajid Laskar

Vs.

The State of West Bengal and Anr.

Mr. Sahid Uddin Ahmedfor the petitioner

Mr. Sandip Chakrabortyfor the State

Petitioner files this application under Section 482 of the Criminal Procedure Code seeking for quashing of proceedings in connection with G.R. Case No. 1250 of 2021 pending before the Court of learned Additional Chief Judicial Magistrate at Kakdwip, South 24 Parganas under Sections 447/323/427 and 506 of the IPC arising out of Dholahat PS Case No. 227 of 2021 dated 3rd July, 2021 under Sections 447/ 323/ 354A/ 427/ 506 and 34 of the IPC and all orders passed therein.

The specific case of the petitioner is that the First Information Report has been lodged before Dholahat PS against five accused persons including the present petitioner, namely, Sazid Laskar alias Sajid Laskar, without disclosing the cognizable offence. No specific allegations are contained in the FIR against the Petitioner. Petitioner is innocent. Complainant has specifically alleged allegation against other accused persons except the present petitioner. He was no

way connected with the alleged offences but Charge Sheet has been filed only against the present petitioner exonerating other accused persons though petitioner is no way involved in the alleged allegation. Therefore, the proceeding is gross abuse of process which is liable to be quashed to secure the end of justice.

On the other hand, learned advocate appearing on behalf of the State submits that the name of the present petitioner is appearing in the FIR lodged under Sections 447/ 323/ 354A/ 427/ 506 and 34 of the IPC. Furthermore, during investigation I.O. recorded statement of the witnesses under Section 161 of the Criminal Procedure Code who discloses his name and involvement in the case. Material available in the case record clearly established *prima facie* case against the present petitioner, so question of quashing of proceeding does not arise.

Heard learned advocates for the parties and on perusal of the case diary consisting copy of FIR and other material and statement of the witnesses, this Court finds there is specific allegation against the present petitioner. He is FIR named accused person. There is specific allegation of cognizable offence and his involvement. Even after investigation, it is found *prima facie* involvement in the said offences as alleged in the complaint. The statements of four witnesses were recorded by the investigating officer under Section 161 of the Cr.P.C. and upon perusal of those

statements, it appears that the specific name of the accused/present petitioner Sazid Laskar @ Sajid Laskar has been mentioned by them for his involvement in the offences as alleged and offences are cognizable.

In Mrs. Dhanalakshmi v. R. Prasanna Kumar¹ it has been observed by the Hon'ble Supreme Court that:

“Interference by the High Court in exercising its inherent powers under Section 482 of the Code of Criminal Procedure to quash the criminal proceedings would only be justified when complaint did not disclose any offence or was patently frivolous, vexatious or oppressive.”

Hon'ble Supreme Court reiterated the similar observation time and again in catena of judgments. Here the case is different because complaint disclosed the cognizable offences against the Petitioner. No any material brought before this Court to show allegations are patently frivolous, vexatious or oppressive.

Accordingly, I do not find any merit in this criminal revisional application as such **CRR No.10 of 2022** is, thus, dismissed.

Learned Court below is free to decide the case on its own merit in accordance with law without being influence by any observations made by this Court.

The interim order, if any, stands vacated.

¹ AIR 1990 SC 494

Department is directed to communicate this order to the learned trial Court immediately for information.

All parties are to act in terms of the copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties as expeditiously as possible taking all legal formalities.

(Ajay Kumar Gupta, J.)