

D/L28
11.10.2023
Bpg.

C.R.R.595 of 2023

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

Rahul Chowdhury @ Rahul Chaudhary
Versus
The State of West Bengal and another

Mr. Kumar Jyoti Tewari
Mr. Tarunjyoti Tewari
Mr. Amrit Sinha
Mr. Aniruddha Tewari.
...for the petitioner.

Mr. Tanmay Kumar Ghosh
Ms. Sujata Das.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Tanmay Kumar Ghosh, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioner challenges the continuance of Halisahar Police Station Case No.26 of 2023 dated 23.10.2023 under Sections 323/341/327 of the Indian Penal Code read with Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The said case is pending before the learned ACJM, Barrackpore.

I have considered the allegations made by one Pampa Kundu, who happens to be the mother of a class-XI student of the said school.

Learned advocate for the petitioner submits that the

student concerned who happens to be the son of the complainant because of his conduct in school was admonished and, as such, by way of counter-blast, the present case has been initiated after a period of four days. According to the learned advocate, the allegations are exaggerated and no incident of such nature actually took place. Additionally, it has been submitted that the allegations have been made in such a manner that the offences which are cognizable in nature would be made out and the school authorities would be falsely implicated in connection with the instant case.

I have considered the submissions advanced on behalf of the petitioner as also the notices which were issued along with other documents which have been placed before this Court. So far as the investigating agency is concerned, I direct that except the present petitioner who has been named in the FIR, none of the teachers or other designated authorities of the school would be unnecessarily called without any foundation. If there are documents or any other materials or the statement to be recorded, the same may be recorded after school hours. Further, as the genesis of the FIR arose out of an incident happening in school, the investigating agency would assess regarding the truth or falsity of the same and also take into consideration the previous incident while scrutinizing and/or collecting materials on the basis of the letter of complaint which has been treated to be the First Information Report of the instant case.

The petitioner would in the circumstances of the case if required would communicate with the superior police officer

particularly the Deputy Commissioner of Police of Barrackpore Police Commissionerate who is in-Charge of Halisahar Police Station who would monitor the investigation and see to that whether at all an offence has been made out in the circumstances of the facts on the basis of which the FIR has been registered and the case is being investigated.

With the aforesaid observations, CRR 595 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server 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 upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)