

16.01.2023

Item No.16
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 650 of 2021

**Piyali Singha Roy
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Apalak Basu,
Ms. Pritha Bhaumik,
Mr. Nazir Ahmed ... For the Petitioner.

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

Mr. Uday Sankar Chattopadhyay ... For the Opposite Party No.2.

The present revisional application has been preferred challenging the continuance of Memari Police Station Case No. 268 of 2020 dated 20.06.2020 under Sections 500/504/505(1)(b) of the Indian Penal Code.

The investigating agency on completion of investigation of the said case was pleased to submit charge-sheet under the same Sections. The brief allegation in the letter of complaint which was addressed to the Officer-in-charge, Memari Police Station was to the effect that the complainant is having a Facebook page under the name and style 'EkChilteRoddur'. The petitioner by using the photograph of the complainant made abusive comments. It has been alleged that the petitioner happens to be a school teacher of Guptipara, Hooghly. The complainant further alleged that the petitioner not only abused her but also abused her mother

and lastly she came down to her residence and threatened her of spoiling her career. On the basis of the said complaint, Memari Police Station case was registered under Sections 500/504/505(1)(b) of the Indian Penal Code. On completion of investigation, the investigating authority submitted charge-sheet under the same Sections and relied upon five witnesses which included two police officers. In the charge-sheet, three witnesses have been relied upon viz. Adito Ghosh, Manasi Ghosh and Priti Das.

I have taken into account the statement of the said witnesses and the materials appearing in the case diary. The case diary does not reflect that any seizure was effected so far as the source of the Facebook post is concerned, neither there is any document relating to downloaded copies. An application has been made for the copies concerned. The manner in which the photostat copies were obtained which are available in the case diary are not reflected. I have taken into account the allegations made in the complaint as also the supporting documents. Having considered the same, I am of the opinion that the police authorities should have been cautious before registration of the case as without the materials relating to the Facebook post, the offences complained of are non-cognizable offences. Taking into account the sum and substance of the offences, I am of the opinion that no case has been made out for continuation of the trial.

Accordingly, all further proceedings of Memari Police Station Case No. 268 of 2020 dated 20.06.2020 under Sections 500/504/505(1)(b) of the Indian Penal Code corresponding to G.R. Case No. 1988 of 2020 including the charge-sheet submitted therein are hereby quashed.

The revisional application being CRR 650 of 2021 is, thus, allowed.

All pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)