

08.12.2023
Serial no. 1
[G.S.D]

CRR 1046 of 2023

With
CRAN 1 of 2023
CRAN 2 of 2023

In the matter of : Dr. Dilip Kumar Pahari

... .. Petitioner

Mr. Milon Mukherjee
Mr. Biswajit Manna
Mr. Rahul Ganguly
Mr. Aritra Bhattacharya

... For the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... for the State

The present revisinal application has been preferred challenging the proceedings arising out of Raiganj P.S. Case No. 409 of 2012 dated 9.5.2012 under Sections 326/467/468/471/420/120B of the IPC.

The investigating authority on completion of investigation has submitted charge sheet before the Id. jurisdictional court.

Mr. Mukherjee, Id. senior advocate, appearing for the petitioner, draws the attention of the court to the judgments passed in CRR 341 of 2021 and CRR 598 of 2021. This Court

while allowing the revisional applications/quashing applications on behalf of the doctors, opined as follows:

"I have considered the materials which have surfaced in course of the investigation in connection with the instant case and the foundation of the allegations against the doctors happen to be that they were associated/involved with the racket which carried out the business of commercialisation of human organs. The limited part with which doctors have been associated in this case are related to fake Aadhaar, PAN/Aadhaar Identification Number.

It is seen from the records that after the documents were endorsed by the doctors, the Health Department, Government of West Bengal also verified and re-endorsed the same and only thereafter when the permission was granted the doctors were able to carry out the operation/transplantation of the human organ. There are no allegations against the doctors that they have financially benefited themselves or wrongfully enriched by their act or conduct. There are also no allegations to the extent that any fatality occurred in course of operation or transplantation of the kidney or human organs so concerned."

The allegation, according to the prosecution, so far as the present petitioner is concerned, is that, the petitioner without verifying the document personally attested the copy of false voter card of Utpal Roy along with other documents depicting photograph of Utpal Roy as also explained the entire matter of Kidney transplantation before the family member of the donor but in the guise of Utpal Roy somebody else donated the kidney to the recipient.

As observed in respect of the other revisional applications, wherein proceedings against rest of the doctors were quashed, I am of the view that the present petitioner

being a doctor had attested pursuant to the Health Department's, Government of West Bengal verification/re-endorsement for donation of such kidney.

Having considered the same, I am of the view that no culpability can be attached to the present petitioner also.

Accordingly further continuation of the proceedings so far as the present petitioner is concerned being Raiganj P.S. Case No. 409 of 2012 dated 9.5.2012 under Sections 326/467/468/471/420/120B of the IPC, is hereby quashed.

If the petitioner is on bail, he will be discharged from the bail bonds.

With the aforesaid observations, CRR 1046 of 2023 is allowed.

Pending application, if any, is also disposed of.

The chart of evidence so submitted be kept with the record.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)