

06.02.2023
S/L No.14
KS

C.R.R. 865 of 2021
With
IA No. CRAN 1 of 2021
Fantush Shaw @ Shyam Kumar Shaw & Ors.
-Vs.-
The State of West Bengal & Ors.

Ms. Sananda Bhattacharyya
.....For the Petitioners
Md. Anwar Hossain
Ms. Ratna Ghosh
.....For the State
Mr. Debasish Kar
.....For the O.P.

The subject-matter of the revisional application relates to Jagaddal Police Station Case No.541 of 2019 dated 17.06.2019 under Sections 504/ 324/120B/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 corresponding to which Special Case No.02. of 2021 was initiated and pending before the learned Additional Sessions Judge, 1st Court, Barasat, North 24 Parganas. Learned advocate appearing for the petitioners challenges the foundation of the continuance of the proceedings on the ground that the present case has been instituted out of mala fide and is the second case. Learned advocate submits that earlier similar allegations were made in connection with Jagaddal Police Station Case No.1275 of 2018. It has been contended by the petitioners that the provisions of Section 156(3)

of the Code of Criminal Procedure are being invoked mala fide although civil disputes are pending between the parties.

Learned advocate appearing for the opposite party nos.2 and 3 opposes the contentions advanced by the petitioners and submits that the earlier case was instituted at the instance of a different complainant. The two cases and two incidents are different. The Investigating Agency after conducting an exhaustive investigation through a superior officer has been able to establish a case and find truth regarding the allegations made out by the complainant/opposite party.

Learned advocate appearing for the State produces the Case Diary and draws the attention of the Court to the statement of four witnesses which included the complainant and other injured witness as well as two other witnesses. There are injury reports available in the Case Diary.

Having considered the materials appearing in the Case Diary and more particularly that there were injuries which were in close proximity of time in respect of the initiation of the case, I am of the opinion to hold a case to be a false one by invoking Section 482 of the Code of Criminal Procedure is alien to such concept. No interference is called for at this stage.

Accordingly, C.R.R. 865 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)