

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 1171 of 2023
Subir Chandra Mondal & Ors.
Vs.**

State of West Bengal & Anr.

**For the petitioners : Mr. Supratick Syamal,
Ms. Somosreedebi Dutta,
Mr. Biswajit Roy,
Ms. Kankana Bhattacharya.**

Judgement on : 15.05.2023.

Bibek Chaudhuri, J.

Issue involved in the instant revision is as to whether a criminal case can be quashed on the basis of alibi taken by the defence at the stage of investigation or immediately after filing of the charge-sheet.

Alibi is a defence which proves impossibility for the accused to be present at the place of offence at the date and time of its commission. Alibi is required to be proved by the accused by adducing evidence. This Court does not have any power to record evidence of the accused persons. Therefore, at this stage the Court cannot throw away the prosecution case on the basis of a defence of alibi. This is to be proved during trial. In view of such circumstances, I do not find any reason to interfere with the impugned order. Accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 16.