

CRR 1221 of 2011

In the matter of : Taslima Khatun & Ors.

Mr. D. Acharya	
Mr. S. Samanta	... for petitioners
Mr. B. K. Ray	... for the State

Heard Mr. Acharyya, learned counsel representing the petitioners and Mr. Ray, learned counsel representing the State.

This revisional application under Section 482 of the Cr.P.C. is filed by the petitioners seeking quashment of the proceeding being Bagnan P.S. Case No. 324/10 dated 30.8.2010 corresponding to G.R. Case No. 1770/ 2010 pending before the learned Chief Judicial Magistrate, Uluberia.

Briefly stated Md. Oheda Bibi filed a petition of complaint before the learned Additional Chief Judicial Magistrate, Uluberia stating inter alia that is on 24.4.2010 at about 9 in the morning she was assaulted by the accused persons. The accused Sk. Moni snatched the gold chain. The petition of complaint was forwarded to the jurisdictional P.S. under Section 156 (3) of Cr.P.C. and Bagnan P.S. Case No. 324/10 was registered on 30.8.2010 police took up investigation and submitted charge sheet against the accused persons.

Mr. Acharya submits that there is no allegation against Taslima Khatun who is a lady aged about 84 years and I find substance in the submission of Mr. Acharyya. It is further

contended that there is longstanding dispute between the parties over the immovable property and a title suit is also pending before the competent court. Enmity may cut both ways. When police after investigation submitted charge sheet there is every reason to presume that in course of investigation the I.O. collected evidence to make out a prima facie case. Therefore, I am not inclined to quash the proceeding as a whole. Since there is no specific allegation against Taslima Khatun a senior citizen aged about 84 years, the proceeding stands quashed qua the petitioner no. 2 Taslima Khatun.

The revisional application is disposed of.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)