

24-01-2023
Subha
Item no.17
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1140 of 2021

Rashed Sekh & Ors.
-versus-
The State of West Bengal & Anr.

Re : An application under S.401 read with S.482 of the Code of Criminal Procedure.

Mr. Prosenjit Mukherjee
Ms. Sudipa Biswas
Ms. Tiya Ghosh
...for the petitioners.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
.. ...for the State.

Learned advocate for the petitioners submits that further continuance of Joypur Police Station Case No. 24 of 2019 dated 09.04.2019 under Sections 147/148/149/447/506 IPC is an abuse of the process of the court.

Learned advocate for the petitioners has challenged the chargesheet submitted before the jurisdictional court as well as the cognizance which has been taken by the learned Magistrate.

Mr. Arijit Ganguly, learned advocate appearing for the State produces the case diary. The case diary reflects that injuries of at least two persons namely, Momezzad Sk and Hasnehara Bibi. Medical reports/injury reports to that extent are available in the case diary.

There were injuries resulting from physical assault being

inflicted. Thus, the submission of the learned advocate of the petitioners that they have been falsely implicated in the instant case becomes question of fact that as there are injuries sustained by some of the victim and the petitioners say that it is not at their instance they suffered injuries although the statements in support of the case reflects the involvement of the present petitioners.

Learned advocate submits that the dispute and difference arose are out of matrimonial discord and the present petitioners, as such, have been falsely implicated. The said contention is also diluted by the fact that a dispute or difference do arise only when the parties have a difference. In this case there were other allegations apart from the sections under which chargesheet has been submitted and the police authorities on an exhaustive investigation concluded regarding the inapplicability of the sections relating to kidnapping or abduction and submitted chargesheet only under Sections 147/148/149/447/427/506 of the Indian Penal Code.

Although the sections which have been incorporated may not be finally conclusive, but the learned Magistrate already framed charge and the records reflect that on 30th October, 2019 date was fixed for evidence of CSW 1, 2 and 3.

Having regard to the time period after which the petitioner approached this court challenging the chargesheet when already evidence was fixed, I am of the opinion that the present revisional application is a completely frivolous application.

Accordingly, the present revisional application being **CRR 1140 of 2021** is **dismissed**.

Pending any applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]