

Form J(1)

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

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

CRR 1759 of 2022

**Bikram Chakraborty
Vs.
The State of West Bengal and Anr.**

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Mr. Suvasis Saha
..for the petitioner

Mr. Saibal Bapuli, APP
Mr. Bibaswan Bhattacharya
...for the State

Item No. 91

Heard & Judgment on: 16.02.2023

Bibek Chaudhuri, J.

On the basis of an application under Section 156(3) of the Code of Criminal Procedure having been forwarded by the learned jurisdictional Magistrate to the jurisdictional police

station, Kalyani P.S. FIR case No. 104 of 2013 dated 9th March, 2013 was registered against the present petitioner and other three accused persons under Sections 420/365/368/506/34 of the Indian Penal Code.

The de facto complainant is the wife of one Mahendra Biswas who was allegedly abducted by the accused persons on a false promise that they would provide for a job for the husband of the de facto complainant in Kerala. Subsequently, the de facto complainant did not get any information about her husband and moved the Court of the learned Additional Chief Judicial Magistrate at Kalyani for investigation of a criminal case by filing an application under Section 156(3) of the Code of Criminal Procedure.

It is on record that police submitted charge sheet against the petitioner and other accused persons on completion of investigation.

The learned advocate for the petitioner takes me to the statement of the de facto complainant and one Ganesh Halder recorded under Section 164 of the Code of Criminal Procedure which the petitioner received in compliance of Section 207 of the Code of Criminal Procedure. During investigation the de facto

complainant stated that her husband fled away with an adult lady named Bandana of the same locality to some unknown place. One Ganesh Halder is the husband of Bandana. He also stated that Mahendra Biswas, husband of the de facto complainant eloped his wife and went to some unknown destination and, therefore, the very basis of the allegation of abduction against the present petitioner is not supported by the evidence collected by the Investigating Officer during investigation of the case.

Thus, this Court is of the view that continuation of criminal proceeding against the present petitioner will be the abuse of the process of the Court.

Accordingly, G.R. Case No. 310 of 2013 arising out of Kalyani Police Station Case No. 104 of 2013 dated 09.03.2013 is quashed.

The instant revision is, accordingly, allowed on contest without any costs.

(Bibek Chaudhuri, J.)