

13.02.2023.
Court No.13
Item No. 18
ap

W.P.A. No. 9377 of 2022
Sayed Abdul Tarik
Versus
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna.
...For the petitioner.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner seeks quashing of FIR No. 5 of
2019 dated 4th January, 2019 and Charge-sheet No.
299 of 2021 dated 13th October, 2021 under the
provisions of Sections 447/323/304/315/328/34 of
the Indian Penal Code.

The prosecution's case is that the petitioner had
a love affair with the deceased Karishma Bibi and as a
consequence whereof, she became pregnant. The
pregnancy was detected within 24 days of the said
Karishma Bibi's marriage with the respondent no.6,
namely, Mirza Firoj Beg. Upon the pregnancy being
detected, the victim's family confronted the petitioner
and were driven away.

It is alleged in the impugned charge-sheet that
the petitioner administered a Medicine on the said
Karishma Bibi for aborting the pregnancy. The victim
died on 2nd August, 2018 due to "hypovolemic shock
from ruptured ectopic pregnancy".

Counsel for the petitioner, by reference to the statements of the witnesses, recorded under Sections 161 and 164 of the Code of Criminal Procedure, would argue that no case is made out against the petitioner as regards his alleged involvement in the offence.

Having regard to the statements recorded under Sections 161 and 164 of the Code of Criminal Procedure and the contents of the charge-sheet in question, this Court is of the view that the writ petition may not be entertained under Article 226 of the Constitution of India.

Since the petitioner has the effective alternative remedy, inter alia, under 482 of the Code of Criminal Procedure and may also prove his innocence in course of the trial, the instant writ petition is hereby dismissed reserving the liberty to the petitioner to avail other remedies, inter alia, as indicated hereinabove.

The report of the Belda Police Station, Paschim Medinipur dated 8th February, 2023 in the form of instructions addressed to the State Advocate is kept with the record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

