

**04.04.2023**

**CRR 1483 of 2016**

Court : 35  
Item : 11  
Matter : CRR  
Status : DISMISSED  
Bench ID : 266010  
Transcriber: NANDY

Ratan Kumar Sen  
Vs.  
The State of West Bengal & Anr.

**Mr. Jayanta Narayan Chatterjee, Advocate**  
**Mr. Dipak Kumar Mookerjee, Advocate**

.....for the Opposite Party No. 2

Record shows that administrative notice was sent to the concerned Magistrate for service by this Court on 16.03.2023. No service return is attached with this file as yet.

This is an old pending matter pertaining to the year 2016 in which the petitioner has prayed for quashing of the proceeding in the complaint case being C-526 of 2000 pending before the Seventh Court of Judicial Magistrate, Alipore, South 24-Parganas. The case was lodged against the present petitioner under Sections 420/34 of the Indian Penal Code.

The opposite party no. 2 is represented.

The petitioner has, inter alia, taken up the grounds that the complaint has not disclosed any cognizable offence against him. The petitioner has further stated that the allegation made in the complaint has not made out a case to be treated against him for proof of the alleged offence. Thus the petitioner has prayed for quashing of the said complaint.

However, the present opposite party no. 2/complainant has objections to the said contention of the petitioner on the ground that in the complaint the opposite party no. 2 has narrated the incident to suggest strong prima facie offence with which the petitioner is charged in this case. It is further stated that since the complaint has already made out strong prima facie case against the petitioner, the Court by exercising power under Section 482 of the Code of Criminal Procedure may not interfere into the same and the petitioner should face the trial.

Considering the cases of the parties, this Court finds that the

grounds pleaded by the petitioner in the petition does not appear to be cogent enough which warrants interference of this Court instead in view of the complaint annexed with the present case, it is found that the same has pronounced in categorical terms about the allegations against the petitioner, thereby indicating existence of prima facie material so far as the ingredients of offence alleged against him are concerned.

Accordingly, in my considered opinion, there is no scope to interfere with the proceeding by exercising power under Section 482 of the Code of Criminal Procedure.

The criminal revision sans merit. **CRR 1483 of 2016** accordingly stands **dismissed**. Connected applications, if there be any, also stand disposed of.

Urgent Photostat Certified Copy of this order, if applied for, be given to the parties, on priority basis.

**(RAI CHATTOPADHYAY, J)**