

CRR 2709 of 2009

In the matter of : Gobinda Chandra Halder

Mr. Kallol Mondal
Ms. Sharda Sha ... for the petitioner

Mr. N.P. Agarwala
Mr. Pratick Bose for the State

This application under Section 482 of Cr.P.C. demonstrates the displeasure of the petitioner Gobinda Chandra Halder *qua* the proceeding being BGR No. 2377/2009 arising out of Kasba P.S. Case No. 130 dated 21.5.2009.

Briefly stated, on 21.5.2009 the opposite party No. 2 Smt. Shantana Singh informed the Officer-in-Charge of Kasba Police Station in writing that her husband Prosenjit Singh was brought to Calcutta for his treatment but he was kept confined at 96/1A, K.N. Sen Road, Kolkata – 42. On 20.5.2009 she received a phone call from her husband and came to know about the incident. The informant with some other persons came to 96/1A, K.N. Sen Road, Kolkata – 42 and enquired about her husband from Kamas Writer and Samar Biswas, who were initially denying knowing anything about her husband, but ultimately brought her husband from a different address. Her husband then disclosed that he was administered with different medicines and his finger impressions were taken by the miscreants, and that they demanded Rs. 25 lakhs. Gobinda Chandra Halder was associated with the

miscreants. The informant thereafter took her husband to the hospital. On the basis of such information Kasba P.S. Case No. 130/09 was registered on 21.5.2009. Police took up investigation and submitted charge sheet under Sections 328/342/307/420/34 of the Indian Penal Code.

Mr. Mondal, learned counsel representing the petitioner submits that petitioner has been falsely implicated in the instant case.

Drawing my attention to the injury report, it is submitted that the husband of *de facto complainant* was found lying on the road. He was rescued by the *de facto complainant* and one Bapi Das and with the assistance of police, he was taken to hospital and on that day, after executing a bond the man took discharge from the hospital. The injury report demonstrates that the victim was admitted to the hospital at 4.20 P.M. while the information was given to police station at 16.35 hours. The injury report if juxtaposed to F.I.R. it appears that the F.I.R. speaks something which was not told either to police or to doctor at the first instance.

Upon perusal of case diary, I find police examined the witnesses and recorded their statements including the statement of victim Prosenjit Singh. But without any chemical examination report *prima facie* case under Sections 328/307 cannot be said to have been made out. There is no ingredient of offence within the meaning of Section 420 or Section 307 of Indian Penal Code as well. No document was seized by the police in course of investigation.

Under such circumstances, upon perusal of F.I.R. and the Charge-Sheet when I find that no offence could be said to have been established prima facie within the meaning of Indian Penal Code the case has been made out, I am inclined to invoke the provision of Section 482 of Cr.P.C. to avert the abuse process of law. The proceeding being BGR No. 2377/2009 arising out of Kasba P.S. Case No. 130 dated 21.5.2009 stands quashed

With this observation, the revisional application is disposed of along with application, if any.

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

(Siddhartha Roy Chowdhury, J.)