

D/L57
09.01.2023
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C.R.R. No.2260 of 2021

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Sk. Mojahid @ Shekh Mujahid
Versus
The State of West Bengal & Anr.

Sk. Toslim Ali,
Ms. Saba Parween.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

The challenge in this revisional application is the continuance of Jagatballavpur Police Station Case No.136 of 2021 dated 19.08.2021 under Sections 188/406/418 of the Indian Penal Code.

The letter of complaint which was addressed it states that the media personnel lodged complaint that in xerox centre at Bargachia namely Mobile –O-Computer Service point, a notice has been displayed for filling up forms. It was alleged that such xerox centre was charging abnormal rate for filling up such forms. On conclusion of investigation, charge-sheet was submitted before the jurisdictional court under the same sections. The charge-sheet reflects that there are seven witnesses.

Mr. Sur, learned advocate appearing on behalf of the State on perusal of the case diary points out that some of the witnesses, namely, Kurban Mallick, Mesba Mallick, Sourav Sadhukhan and Sujata Das have stated before the police authorities

which is reflected under Section 161 of the Code of Criminal Procedure that Rs.30/- was charged for filling up forms and they have paid the same.

Even if such allegations are to be accepted to be true, the same do not make out any case under Sections 406/418 of the Indian Penal Code, as for filling up such forms they have charged, they have never committed for providing the end product for which the form has been filled up.

Considering the aforesaid, I am of the opinion that further continuance of the proceedings would be an abuse of the process of the court and, accordingly, G.R. Case No.4591 of 2021 arising out of Jagatballavpur Police Station Case No.136 of 2021 dated 19.08.2021 including the charge-sheet filed therein will result in miscarriage of justice, if the same is allowed to continue. Consequently, the same is quashed.

Thus, CRR 2260 of 2021 is allowed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)