

16-03-2023
Subha
Item no. 23
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 2375 of 2021
With
CRAN 4 of 2022

Nilratan Halder

-vs-

The State of West Bengal & Anr.

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Ms. Indrani Roy

....for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Pramanick

...for the State.

Mr. Navanil De
Mr. Alope Nath Chandra
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhajit Dey
Ms. Monami Mukherjee

....for the opposite party no.2.

The revisional application has been preferred challenging the proceedings relating to Garfa P. S. Case No. 384 of 2019 dated 26.08.2019 under Sections 341/323/324/354A/354B/509/506/114 of the Indian Penal Code and the Investigating Agency on conclusion of investigation submitted chargesheet under Sections 341/323/324/354A/354B/506/509/114 of the Indian Penal Code.

The main contention in the revisional application was relating to the present case being initiated as a counter-blast and the present petitioner namely Nilratan Halder being falsely implicated in this cas.

In order to substantiate his contention, learned advocate

appearing on behalf of the petitioner submits that there are documents to show that at the relevant point of time when the incident took place, the attendance register of the place of work of the present petitioner reflects the petitioner being available at his office and as such, it would not be possible for him to be at the spot or at the place of occurrence which has been complained of at the instance of the complainant.

Mr. De, learned advocate appearing on behalf of the opposite party no. 2 submits earlier an application was filed challenging the FIR and suppressing the fact the present proceedings have been instituted, as such, the present revisional application may be dismissed.

Mr. Sur, learned Additional Public Prosecutor on the other hand produces the case diary and draws the attention of this court to the injury report and the statement of the witnesses including that of the complainant.

I have considered the submissions of the learned advocate of the petitioner, learned advocate for the complainant/opposite party no.2 as well as that of the State.

On perusal of the case diary, prima facie, it reflects that although all the sections under which the chargesheet have been submitted may not be applicable in the factual background of the case, but at the same time it is difficult for this court to come to a conclusion as no offence being made out.

So far as the conduct of the petitioner regarding his presence and the place occurrence is concerned, the same is in the nature of

plea of alibi.

However, having regard to the quality of the document which has been enclosed, liberty is granted to the petitioner to canvass such issue before the learned Magistrate by taking out an appropriate application in nature of Sections 239/240 of the Code of Criminal Procedure.

Learned Magistrate would assess regarding the unimpeachable character of the said document so placed and thereafter, if required, sent for an enquiry.

Considering the impact of the outcome of the enquiry, the learned Magistrate would proceed in accordance with law. At this stage, this court do not find any scope for interference and/or acceding to the prayer so advanced by the petitioner.

As such, the revisional application being CRR 2375 of 2021 is disposed of.

Interim order, if any, is consequently vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

