

18.10.2023

Item No.29

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3527 of 2023

with

CRAN 1 of 2023

In the matter of : **Bapan Roy & Ors.**

... Petitioners.

Mr. Sourav Chatterjee,
Mr. Soumyajit Das Mahapatra,
Mr. Suddhadev Adak,
Mr. Soumya Nag

... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

... For the State.

Mr. Abdur Rakib,
Mr. Biswajit Sarkar

... For the Opposite Party No.2.

Report dated 15.10.2023 submitted by Mr. Sur, learned advocate appearing for the State be kept on record. Report encloses the statement and declaration of the opposite party no.2 viz. Bamaprasad Dey.

Learned advocate for the State submits that although the charge-sheet was submitted under Section 307 of the Indian Penal Code, but primarily the allegations utmost can be stretched to Section 326 of the Indian Penal Code. The statement of the opposite party no.2 which has been recorded by the officer attached to Goghat Police Station reflects that he does not intend to pursue the present criminal case as the relationship with the accused has revived and they were carrying on business together.

Having considered the changed circumstances, I am of the view that the proceedings relating to Goghat Police Station Case No. 151 of 2023 dated 06.05.2023 including the charge-sheet submitted in connection with the said case

which is pending before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly be quashed.

Accordingly, the revisional application being CRR 3527 of 2023 along with the CRAN 1 of 2023 is allowed.

Case diary be returned to the learned advocate for the State.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)