

18
28.03.2023.
b.r.
Crt. No. 236

C.R.R 4044 of 2011

In the matter of : Saswata Ghosal.....petitioner.

Ms. Karabi Ray
Mr. Soumik Mondal
Ms. Sarbani Mukhopadhyay
..... for the petitioner.

Mr. Binoy Kumar Panda
Mr. Subham Kanti Bhakat
..... for the State.

This revisional application filed under Section 482 of the Code of Criminal Procedure challenges the criminal proceeding being G.R. Case No. 1835 of 2010 arising out of Dantan P.S. Case No. 147 of 2010 dated 25th of August, 2010 under Section 279/338/427 IPC pending before the learned Chief Judicial Magistrate, Paschim Medinipur.

Heard Ms. Karabi Ray, Learned Counsel for the petitioner and Mr. Panda, learned Counsel representing the State.

It is contended by Ms. Ray that the vehicle registered as WB-06B-5934 (Ford Fiesta) met with an accident on 28th of June, 2010 while it was going towards Odisha. The accident took place at Santanagar on NH-60 within PS. Dantan, Paschim Medinipur. The registered owner of the said vehicle is Mr. Saswata Ghosal, who on being informed about the accident, on the 29th of July, 2010 formally informed the Inspector-in-Charge of Danton P.S. about the accident and that information was diarised vide G.D. Entry No. 1410 dated 29th of June, 2010. On 30th June, 2010

the registered owner of the vehicle took the vehicle back with the help of one M/S. M.J. Crane Service. Subsequent thereto on 25th August, 2010 notice was sent by Danton P.S. to the petitioner who happens to be the registered owner of the vehicle stating, *inter alia*, that on 25th June, 2010 early morning Ford Fiesta registered with WB-06B-5934 met with an accident within the jurisdiction of Danton P.S. causing injury to one Raj Narayan Singh at Kasba P.S. who was admitted to Peerless Hospital, Kolkata.

Subsequently, police registered Danton P.S. Case No. 147 of 2010 dated 25th of August, 2010 on the basis of information given in writing by one Moti Singh annexing Ticket No. 2603 dated 25th August, 2010 issued by Danton, BPHC and discharge record of Jyoti Singh issued by Spandan Advance Medicare Pvt. Ltd. dated 25th of June, 2010.

It is submitted by Ms. Ray, Learned Counsel for the petitioner that the vehicle of the petitioner has unnecessarily been dragged into this case.

I have perused the Case Diary.

Mr. Panda, Learned Counsel for the State also fails to indicate the nexus between the alleged incident and the vehicle in question.

I find that on 29th of June, 2010 police was formally informed by the registered owner of the vehicle about the accident that took place on 28th of June, 2010 at NH-60 and after considering the said fact police allowed the registered owner to take back the vehicle in question. The involvement of the

offending vehicle being WB-06B-5934, in the alleged accident appears to be a figment of imagination. Had there been any such involvement of the vehicle, police would have detained the vehicle for examination by mechanical Expert and, have taken further necessary steps including the registration of the case for alleged road traffic accident.

Under such circumstances, I am of the view that *ex facie* investigation appears to be perfunctory so far as the involvement of this vehicle being WB-06B-5934 is concerned and I quash the charge-sheet, however, with liberty to the police authority to take up further investigation, if necessary.

Let copy of the Smart Card regarding Registration of vehicle, Pollution Certificate and Tax Token in connection with vehicle No. WB-06B-5934 as submitted by Ms. Ray in Court today, be taken on record.

Accordingly, **CRR 4044 of 2011** stands **disposed of**.

Criminal Section is directed to deliver urgent xerox certified copy of this order to the learned advocate of the petitioner, if applied for, as early as possible.

(Siddhartha Roy Chowdhury, J.)