

22.2.2023
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SB
Ct. No.236

CRR 4245 of 2012

In the matter of : Majeda Begum @ Mallick

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

None is appearing on behalf of the petitioner.

Instead of adjourning the matter *suo moto*, considering the age of the proceeding, I am inclined to dispose of the matter on merit based on materials available with the record.

This revisional application is filed for quashment of the proceeding in G.R. Case No. 1930 of 2007 arising out of Panchla Police Station Case No. 106 of 2007 dated 29.8.2007.

From the attending facts of the case, it appears that the petitioner was the erstwhile Panchayet Member of Subharara Gram Panchayet under Panchla Police Station. The Block Development Officer, Panchla, Howrah on 29.08.2007 informed the Officer-in-Charge of Panchla P.S. that the petitioner received the money under I.A.Y. project for construction of her house but the said amount was not utilized for the purpose for which it was given. Accordingly, police took up investigation after registering Panchla P.S. Case No. 106 of 2007 dated 29.08.2007.

It further appears that subsequent thereto on 06.9.2007 the S.D.O. Sadar Howrah informed the Officer-in-Charge of Panchla Police Station to withdraw the F.I.R. with reference to Panchla P.S. Case Nos. 102 dated 21.8.2007, 104 dated 22.8.2007, 106 dated 29.8.2007 and 107 dated 01.9.2007 under the instruction of the District Magistrate, Howrah as the complaint of the B.D.O. was factually incorrect. However, police after investigation submitted

charge sheet and warrant of arrest was issued. Since, the District Magistrate, through S.D.O. gave instruction not to proceed with the investigation of the case as the persons arraigned in those cases held from weakest Section of Society and from the document appended to the petition, it appears that house was constructed by the beneficiaries, in my opinion it would be an abuse of process if G.R. Case No. 1930 of 2007 is allowed to remain in force.

Invoking the jurisdiction under Section 482 of Code of Criminal Procedure, I am inclined to quash the proceeding of G.R. Case No. 1930 of 2007 arising out of Panchla P.S. Case No. 106 of 2007 dated 29.08.2007.

With this direction, the criminal revision 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.)