

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 1 of 2023

In the matter of : Sri Dinesh Singh & Anr.

Mr. Subham Ghosh ... for the petitioners

Mr. Aditi S. Chakraborty, Ld. A.P.P.
Mr. Tapan Bhattacharyya ... for the State

The Statement of Sri Dharmender Mahato one of the witnesses examined by the police in course of examination indicates, prima facie offence within the meaning of Section 354 of the Indian Penal Code was committed against the victim.

Mr. Ghosh, however, drawing my attention to the injury report submits that injury report does not justify the F.I.R. and it is eloquent about the exaggeration as well as mala fide intention of the de facto complainant. There is no ingredient of offence within the meaning of Section 379 of the Indian Penal Code as well.

I have been given to understand that though police submitted charge sheet after investigation charge is yet to be framed. Therefore, the petitioners shall have the liberty to agitate all points at the time of framing of charge which are canvassed in this proceeding. But I do not find any reason to invoke the provision of Section 482 of the Cr.P.C. to quash the entire proceeding in view of the statement collected in course of investigation and in particular the statement I have referred to hereinabove.

The criminal revision is dismissed without any order as to costs.

Let a copy of the order sheet be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)