

17-08-2023  
Court No.3  
mg/6.

**In The High Court At Calcutta  
Jalpaiguri Circuit Bench**

**C.R.R. 24 of 2022**

**AKHILESH YADAV  
Vs.  
The State of West Bengal & Anr.**

Mr. Deborshi Dhar  
... for the petitioner.

Mr. Aditi Shankar Chakraborty  
Mr. Nilay Chakraborty  
Mr. Ujjawal Lucksum  
...for the State

The instant application is filed under Section 482 of the Code of Criminal Procedure praying for quashing of the criminal proceeding being Kurseong Police Station case No. 19 of 2019 dated 1/2/2019 under Section 279/338/427 of the Indian Penal Code read with Sections 180 and 181 of the Motor Vehicles Act which is pending before the Additional Chief Judicial Magistrate at Kurseong. Charge sheet has been filed in this case. The petitioner has annexed copy of statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure

along with other documents. Neither the victim nor other witnesses stated anything which discloses commission of offence of rash and negligent driving. The statement of witnesses are absolutely silent on such allegations. Prima facie, therefore, charges under Section 279/338/427 are not tenable and quashed. However, charges under Sections 180 and 181 of the Motor Vehicles Act are not interfered with.

The instant application is partly allowed and stands disposed of along with pending applications.

**(SUGATO MAJUMDAR, J.)**