

17-08-2023
Court No.3
bm/mg/4.

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

C.R.R. 138 of 2021

**SUKHBIR SINGH @ SUKHABIR SINGH
Vs.
The State of West Bengal & Anr.**

Mr. Hillol Saha Poddar
... for the petitioner

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

The instant application is filed under Section 482 of the Code of Criminal Procedure praying for quashing of the proceeding being GR case no. 1387 of 2021 pending before the Chief Judicial Magistrate at Jalpaiguri corresponding to Kotwali Police Station case no. 155 of 2021 dated March 24, 2021 under Sections 498A/302/34 of the Indian Penal Code.

Charge sheet in this case has been filed being Charge Sheet no. 274 of 2021 dated 20.06.2021 under Section 498A/302/34 of the Indian Penal Code against the principal

accused and under Sections 498A/34 against two other co-accused one being the present petitioner.

The present petitioner is the elder brother in law of the victim lady. The principal accused is the husband of the victim.

Mr. Saha Poddar argued that there is no material against the present petitioner to implicate him in any offence as alleged. The petitioner was not also on spot; he is residing elsewhere.

On the contrary, Mr. Chakraborty, learned Counsel appearing for the State submitted that the allegations may be challenged at the time of consideration of charge but does not make a fit case to exercise jurisdiction under Section 482 as the charges are not fantastic, absurd or impossible. There are prima facie materials against the present petitioner for which exhaustive trial is necessary.

I have heard rival submissions, I agree with the submission of Mr. Chakraborty. Whether available evidence is exiguous or abundant or not cannot be decided in exercise of jurisdiction under Section 482 of the Code of Criminal Procedure. Prima facie allegations

are not absurd or baseless. The petitioner may and is hereby given liberty to approach the Trial Court for filing necessary application for discharge in the given facts and circumstances and incriminating materials. However, this is not a fit case to quash the prosecution at this stage in exercise of jurisdiction under Section 482 of Code of Criminal Procedure.

Accordingly, the instant application stands dismissed and disposed of along with pending applications, if any.

(SUGATO MAJUMDAR, J.)