

09.01.2023
SL No 18
Court No.3
BR

**Circuit Bench of Calcutta High Court
At Jalpaiguri**

CRR 251 of 2022

**In the matter of : Rajesh Sah
.... Petitioner**

Mr. Arnab Sengupta,
Mr. Rajesh Kumar Sharma,
Mr. Janardan Periwal
.... For the petitioner

Mr. Aditi S. Chakraborty, Ld. APP,
Mr. Aniruddha Biswas
.... For the State

Heard learned Counsel for the petitioner.

At the behest of S.I. Gautam Kundu, Enforcement Branch, S.P.C., New Jalpaiguri Police Station case no. 594 of 2021 dated 12th June, 2021 was registered under Sections 272/273 of the Indian Penal Code. Police took up investigation and submitted charge sheet on 12th June, 2021.

According to Mr. Arnab Sengupta, learned Counsel for the petitioner, in view of the amendment of P.F. Act, 1994 by the Act 34 of 1976 w.e.f. 1st April, 1976, the West Bengal Amendment has impliedly been repealed and the provision of Sections 272/273 of the Indian Penal Code has become non-cognizable offence. Therefore, without complying with the provision of Section 155 (2) of Cr.P.C. this case was registered, and as such should not be allowed to remain in force and should be quashed.

Mr. Sengupta relies upon judgment passed in CRR 2069 of 2000 on 23.12.2022 pronounced there is hardly any room to differ with the view expressed by learned Counsel for the petitioner. Mr. Biswas representing the State fairly submits that in view of the judgement pronounced by the Hon'ble Supreme Court in the case State of Haryana & Ors. vs. Bhajanlal, the proceeding is not maintainable. Invoking the provision of Section 482 of Cr.P.C., I am inclined to quash the proceeding being G.R. case no. 2860 of 2021 pending before the learned Chief Judicial Magistrate, Jalpaiguri which arises out of New Jalpaiguri Police Station case no. 594 of 2021 dated 12th June, 2021.

Thus the criminal revision is disposed of.

(Siddhartha Roy Chowdhury, J.)