

06.03. 2023
item No.9
n.b.
ct. no.III

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

CRR 281 of 2022

**Samit Tamang
Vs.
The State of West Bengal & Ors.**

Mr. Swarup Das

..... for the petitioner.

Mr. Kollol Acharya,
Mr. Sourav Gaguly,

..... for the State.

The instant criminal revisional application has been preferred by the present petitioner for quashing of the criminal proceeding being G.R. Case No. 704 of 2019 arising out of Cooch Behar Mathabhanga P.s. Case No. 345 of 2019 dated 24.8.2019 under Sections 341/325/326/307/34 now pending before the ACJM Court, Mahabhanga where in charge sheet being no.376 of 2019 dated 30.11.2019 was filed after completion of investigation.

Learned advocate for the petitioner submits that the written complaint is filed against the present petitioner which is malafide, purposive and politically motivated. He further pointed out that the investigation reflected that there are political rivalry between the political parties. The present petitioner is the supporter of a political party thus his name was included in the charge sheet. He further pointed out the evidence was collected by the police during the course of investigation of the case. The petitioner is not all involved in the alleged offence. So he prayed for quashing of the present revisional proceeding.

Learned advocate appearing on behalf of the State raised strong objection and he submitted the case diary. He referred some pages of the case diary wherein the evidence of available

witnesses were recorded to under section 161 of the Code of Criminal Procedure. He also referred the injury report collected by the I. O. during investigation

Heard the learned advocate perused the materials on record and also perused the petition and the ground herein, it appears that the instant FIR was lodged on August 24, 2019 naming the present petitioner; the investigation of the police also ended in charge sheet where the present name of the present petitioner is transpired. This Court holding the criminal revisional jurisdiction. In quashing the criminal proceeding by this revisional Court there are some guidelines by the Hon'ble Supreme Court in *State of Harayana Vs. Bhajan Lal reported in 1992 SCC(Cri) 462*. The statement of the FIR cannot be denied at this juncture. The present petitioner can held to be falsely implicated in this case on the basis of collected evidence. Moreover, at this juncture the present court cannot brash aside the evidences so collected by the investigating agency during investigation. The law laid down in Bhajan Lal's case disentitled the claim of the petitioner.

Considering the fact that this court cannot hold the mini-trial at this juncture; I find there is no ground to entertain with the criminal revisioal application. The instant criminal revisional application is liable to be dismissed.

Accordingly, CRR 281 of 2022 is dismissed.

The Learned Magistrate is directed to dispose of the proceeding in accordance with law most preferably within one year from the date of framing of charge.

Connected application, if any, is also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)