

04.10.2023
Court No.4
Sl. No. 2
pk

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRR 306 of 2022

In the matter of : **Narayan Chandra Biswas**

Mr. Debajit Kundu
.... for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Nilay Chakraborty
...for the State

1. Learned Counsel appearing for the petitioner, namely, Narayan Chandra Biswas, submits that the accused person has not been named in the FIR but his name has been mentioned in the chargesheet along with the other three co-accused persons.

2. The Learned counsel further submits that this petitioner Narayan Chandra Biswas is not the same person whose name has been stated in the statements under Section 161 of the Cr.PC and by the co-accused persons. The Learned counsel for the petitioner questions the identity of the Narayan Biswas and claims himself as not the person whose name has been stated by the co-accused persons as Narayan Biswas.

3. Counsel for the petitioner prays for quashing the chargesheet and the proceedings.

4. The Learned counsel appearing for the State submits that there is serious allegation against the petitioner which has been stated by the three co-accused persons. He further submits that though the name of this petitioner, Narayan Chandra Biswas, did not appear in the FIR but his name has cropped up during investigation. As such he has been made an accused in the chargesheet.

5. On going through the case diary, specifically the statements recorded under Section 161 of the Code of Criminal Procedure of the co-accused persons, namely, Nikhil Saha, son of late Gouranga Saha; Babu Ghosh, son of Subhas Chandra Ghosh and Akhil Saha, son of late Jagadish Saha and considering the allegations made therein, this Court is not inclined to entertain the prayer for quashing of the chargesheet being chargesheet no. 486 of 2021 dated 30.06.2021 under Section 419/420 of the IPC.

6. Accordingly CRR 306 of 2022 is dismissed.

(Supratim Bhattacharya, J.)

