

22.04.2024
Serial no. 3
[G.S.D]

CRR 96 of 2024

In the matter of : Narugopal Maiti @ Narugopal Maity
... .. Petitioner

Mr. Mujibar Ali Naskar
Mr. Sandip Kumar Mondal
... for the petitioner

Mr. Debasish Roy
Mr. Arijit Ganguly
Ms. Rita Dutta
... for the State

Report submitted by the State be kept with the record.

The report reflects that written instruction/information was sent and the same was acknowledged by the defacto-complainant.

This court, while deciding CRR 106 of 2021 in its order dated 16th December, 2022, quashed the proceedings so far as the co-accused Satya Ranjan Maity is concerned.

It has been categorically observed in the said order, which is as follows:

"Having considered the totality of the circumstance and the foundation of the case on which the prosecution intends to allege that there has been abetment within the meaning of Section 107 of the Indian Penal Code to bring home the charges under Section 306 of the Indian Penal Code, I am of the opinion that the contents of the suicide note or for that the allegations made by the petitioner that there was an apprehension in the mind of the deceased that he may be implicated in a false case because of the petitioner being an ex public prosecutor of the local court do not create any circumstance to satisfy the

foundation of abetment as defined under Section 107 of the Indian Penal Code.”

As the earlier order is in respect of the same case being Kakdwip P.S. Case No. 185 of 2019 dt. 3.9.2019 which relates to the subject-matter and the earlier case was quashed on the ground of materials appearing from the records and the applicability of law in respect of the said proceedings, I am of the opinion that the same principle do apply in respect of the present petitioner, who is a co-accused.

Accordingly, all further proceedings of Kakdwip P.S. Case No. 195 of 2019 dated 03.09.2019 under sections 306/34 of the IPC and pending before the Id. ACJM, Kakdwip, is hereby quashed.

With the aforesaid observations, CRR 96 of 2024 is **allowed.**

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)