

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1809 of 2016

Amulya Roy
Vs.
The State of West Bengal & Anr.

Mr. Amarta Ghose
Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Ms. Souparna Sinha
Mr. Rohan Bakshi
... For the petitioner

Mr. Madhusudan Sur
Mr. Arijit Ganguly
... For the State

1. Supplementary affidavit filed on behalf of the petitioner in Court today is taken on record.

2. This revision application has been preferred assailing the proceeding in connection with GR Case No.1262 of 2016 arising out of Pradhan Nagar Police Station Case No.168 of 2016 dated 10th May, 2016 under Sections 420/468/471 of the Indian Penal Code read with Section 3(1)(iv)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending before the learned Additional Chief Judicial Magistrate, Siliguri, with a prayer for quashing the same.

3. Mr. Amarta Ghose, learned advocate, on behalf of the petitioner has submitted that the proceeding is liable to be quashed on two scores. First one is that in the year 2009,

identical complaint was lodged against the petitioner alleging, inter alia, that the petitioner along with other accused succeeded to get a forged Will along with a power of attorney with regard to the property owned by Bandhu Oraon who was, at the relevant point of time, bed ridden and ultimately expired on 24th July, 2008. The said complaint was lodged before the Officer-in-Charge of Pradhan Nagar Police Station and the complaint was registered as Pradhan Nagar Police Station Case No.204 of 2009 against seven accused, including the petitioner, under Sections 465/467/468/471/474/120B of the Indian Penal Code.

4. Subsequently, in the year 2016, on the same allegations of forgery, another written complaint was lodged before Pradhan Nagar Police Station against the petitioner for manufacturing false power of attorney and preparation of forged Will in respect of property belonged to Bandhu Oraon along with a request before the Officer-in-Charge of Pradhan Nagar Police Station to include the provision of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act so that anticipatory bail may not be granted to the petitioner.

5. Regarding Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Mr. Ghose on behalf of the petitioner has further submitted that no specific allegation has been made in the written complaint addressed to the Officer-in-Charge of Pradhan Nagar Police Station in the year 2016, i.e., in the subsequent complaint, save and except a request to depict a provision of Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act so that the petitioner did not obtain any anticipatory bail even there was no allegation in the written complaint. Mr. Ghose has drawn my attention to the caste certificate annexed with the revisional application wherefrom it is seen that the petitioner also belongs to the Scheduled Castes community.

6. Mr. Madhusudan Sur, learned advocate, appearing on behalf of the State has submitted that there was no provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act levelled against the petitioner in the earlier complaint.

7. However, on careful perusal of the earlier application filed in the year 2009 under Section 156(3) of the Code of Criminal Procedure and the subsequent written complaint lodged in the year 2016, I find that the allegation of forgery is identical in both the complaints.

8. That apart, the petitioner belongs to Scheduled Castes community according to the certificate issued on 28th January, 1986.

9. In the aforesaid view of the matter, I find that the proceeding arose out of subsequent application cannot be allowed to be continued against the petitioner which would be a glaring example of abuse of process of Court. That apart, the petitioner also belongs to Scheduled Caste community and for that reason the provision of Section 3 of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act has no application in this case.

10. Thus, being the position, the proceeding in connection with GR Case No.1262 of 2016 corresponding to Pradhan Nagar Police Station Case No.168 of 2016 dated 10th May, 2016 stands quashed against the petitioner.

11. With the aforesaid observation, the revisional application, being CRR 1809 of 2016, stands disposed of.

12. Interim order, if any, stands vacated.

13. Pending application, if any, also stands disposed of.

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

15. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)