

21.05.2024
Serial no. 67
[G.S.D]

CRR 2058 of 2024

In the matter of : Kamal Ghosh

... .. Petitioner

Mr. Atindranath Misra

... for the petitioner

The petitioner has prayed for quashing of the charge-sheet submitted in connection with Khardah P.S. Case No. 210 of 2022. The investigating agency on conclusion of investigation has already submitted charge-sheet. There are 21 witnesses relied upon in the charge-sheet, amongst which, I find that two doctors have also been made as witnesses.

Ld. advocate appearing for the petitioner emphasizes on the issue relating to the facts of the case and submits that because of business rivalry, the petitioner has been falsely implicated in the instant case.

Additionally, it has been submitted that the medical documents are such that it has been made in a designed manner to falsely implicate the petitioner.

I have considered the submissions advanced by the Id. advocate for the petitioner and I am of the view that the

truth or falsity of the allegations cannot be gone into at the initial stage of the case.

I find that there is a substantial force in the submissions of the petitioner which may not attract all the provisions under which the charge-sheet was submitted before the Id. jurisdictional court. The Id. Magistrate at the stage of consideration of charges will take the same into account and would specifically ensure that the petitioner is charged for those offences for which the materials have been collected by the investigating agency in support of this case. No interference can be made at this stage.

With the aforesaid observations, CRR 2058 of 2024 is disposed of.

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.)