

08.07.2024.
92.
Ct.No.32
as

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

C.R.R. 2169 of 2018

In the matter of : **Ashim Mukherjee** ... Petitioner.

Mr. S. S. Imam,
Md. M. F. A. Begg.
...for the State.

1. Nobody appears on behalf of the petitioner. No accommodation sought for.
2. A compliance report has been submitted by the State wherefrom it appears that despite of service, nobody represented the petitioner. No accommodation sought for.
3. Let the matter is taken up for disposal on merit considering the pendency of this case since 2018 and to avoid further delay.
4. The petitioner being the accused filed this revisional application under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing the first information report being Airport Police Station Case No.20 of 2018 dated 3.2.2018 under Sections 447/385/506/34 of the Indian Penal Code, 1860 corresponding to G. R. Case No.589 of

2018 pending before the learned Chief Judicial Magistrate, Barrackpore, North 24-Paraganas.

5. The essential facts are relevant for the purpose of disposal of this case are as under:-

6. The Airport Police Station Case No.20 of 2018 dated 3.2.2018 was registered upon a direction by the learned Additional Chief Judicial Magistrate, Barrackpore under Section 156(3) of the Code of Criminal Procedure and to cause investigation under Sections 447/384/506/345 of the Indian Penal Code, 1860. The allegations leveled by the complainants to the effect that the de-facto complainants are the owners of the piece of land which is the main cause of the dispute between the parties. During absence of the present de-facto complainants, the petitioner along with others had illegally entered the premises with firearms and assaulted the security guard. It is further alleged when the de-facto complainants strongly objected to their illegal activities, the petitioner put them on fear of extortion and demanded money. Accordingly, the aforesaid case has been initiated against the present petitioner along with other co-accused persons. As such, the instant case has come up before this Court for disposal.

7. Learned Advocate appearing on behalf of the State produces the Case Diary and submits charge sheet has already been submitted being charge sheet No.135 of 2018 dated 30.6.2018 under Sections 447/506/323/34 of the Indian Penal Code. It is further submitted during

investigation statement was recorded under Section 161 of the Code of Criminal Procedure. From their statements it appears sufficient materials are available against the petitioner.

8. On the other hand, no one appear on behalf of the petitioner. No accommodation is sought for.

9. Having considered the submissions of the learned Advocate for the State and on perusal of the Case Diary as well as materials available on record, this Court finds sufficient materials found against the petitioner. Furthermore *prima facie* case has been established during investigation under Section 447/506/323/34 of the Indian Penal Code. Offence is cognizable in nature.

10. Accordingly, this Court does not find sufficient and/or cogent ground to quash the proceeding.

11. Hence, the instant revisional application is hereby dismissed.

12. Interim order, if any, stands vacated.

13. Let a copy of this order be communicated to the learned Court below for information.

(Ajay Kumar Gupta, J.)

