

24-04-2024
Subha
Item no. 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2504 of 2023
with
CRAN 2 of 2023

Sabanayakan Selvakumaraswamy and anr.
-versus-
State of West Bengal & anr.

Ms. Ameena Kabir
Ms. Tahrima Khatun
....for the petitioners.

Mr. Debasish Roy, Id. PP
Ms. Faria Hossain
Mr. Anand Keshari
...for the State.

Affidavit of service so filed be kept with the record.

The present revisional application has been preferred challenging the chargesheet filed in connection with Ilambazar P. S. Case No. 98/2022 dtd 29-04-2022 wherein the Investigating Officer on conclusion of investigation submitted chargesheet under Sections 177/500/501/505(2) IPC and Section 14 of the Press and Register of Books Act, 1867.

I have considered the FIR as well as the subject matter of the case. The same relates to an application pertaining to an article being published in a newspaper namely 'Eastern Chronicle' wherein it was published that it has been found that the personal bodyguard namely Saigal Hussain of the TMC Birbhum President namely Anubrata Mondal died in a road accident.

According to the complainant, the said news was fabricated and was for the purpose of creating tension by the editor,

reporter and others of the said newspaper.

Learned advocate for the petitioner has challenged the contents of the said news to fall within the definition of the offences relating to Sections 177/500/501/505(2) IPC. According to the learned advocate there was an accident which took place and some persons died also. But so far as the said Saigal Hussain is concerned, he was injured and was being treated at the relevant point of time. The mistake was unintentional and to that effect the newspaper published a corrigendum which was also informed to the police authorities who were investigating the case.

Mr Keshari, learned advocate appearing for the State has produced the case diary.

I have perused and assessed the statements of the witnesses including that of complainant namely Raja Morad Mia, Md. Selim Rana and ASI Sushil Kisku and others. On an assessment of the statements and the allegations made therein, I am of the view that the materials collected by the Investigating Agency fails to make out any case under the relevant sections for which the petitioners have been charged. Accordingly further continuance of the proceedings being Ilambazar P. S. Case No. 98 of 2022 including the Chargesheet No. 193 of 2022 dated 30th September, 2022 submitted before the learned A.C.J.M, Bolpur, Birbhum against both the petitioners are unwarranted and the same, as such, is quashed.

Thus, the present revisional application being CRR 2504 of 2023 is allowed. Consequently, the connected applications being

CRAN 2 of 2023 is disposed of.

Case diary be returned to the learned advocate appering
on behalf of the State.

All concerned parties are to act in terms of a copy of this
order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]