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2024
Ct. No. 237

C.R.R. 4003 of 2022
Chayan Saha
Vs.
State of West Bengal & Anr.

Mr. Arindam Jana
Mr. Arkadeb Biswas
Ms. Debarati Roy Chowdhury *...For the Petitioner*

Ms. Faria Hossain
Mr. Anand Keshari *...For the State*

This is an application under Section 401 read with Section 482 of the Code of Criminal Procedure, wherein the petitioner, Chayan Saha, has prayed for quashing of the proceeding, being Katwa Police Station Case No. 2 of 2021 arising out of G.R. No. 4 of 2021 dated 2nd January, 2021.

The allegation leveled in the FIR is that on 4th December, 2020 the petitioner along with other accused persons entered into the house of the opposite party No. 2 when some construction work was being carried on and then the petitioner along with other accused persons allegedly abused and tried to stop the construction work. Thereafter, one Anima Saha tried to stop the petitioner when the petitioner along with accused persons allegedly assaulted her and outraged her modesty. It is further alleged that thereafter, one Baidyanath saha tried to stop the petitioner, when the petitioner, along with others allegedly pulled out a knife and struck him at multiple places on his body which allegedly caused him severe injuries. Thereafter the petitioner along with other persons also hit on the head of

complainant by knife and he was treated at a hospital.

This Court vide order dated 13th February, 2023 asked the Investigating Agency to verify the documents of the petitioner, as petitioner has taken a alibi that he was not in India at the relevant time of occurrence.

Ms. Faria Hossain, learned Counsel appearing on behalf of the State submitted a report today, which discloses that as per documents of travel details provided by the Authority in respect of the petitioner's passport, being No. L-1993275, it confirms that the petitioner departed from India on 29th August, 2020 and returned on 19th February, 2021.

Learned Counsel for the State submits, as the alibi taken by the petitioner appears to be genuine, then the State has nothing to submit about the prayer made by the petitioner.

Having considered the submissions made on behalf of the parties and relying upon the report submitted by the State today, the impugned proceeding, being Katwa Police Station Case No. 2 of 2021 corresponding to G.R. No. 4 of 2021 dated 2nd January, 2021, presently pending before the Additional Chief Judicial Magistrate, Katwa is hereby quashed, quo the petitioner Chayan Saha.

The application, being C.R.R. 4003 of 2022 is thus allowed..

Let the report submitted by the learned Counsel for the State be kept with the case record.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)