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C.R.R.4616 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure;

Sri Gobinda Karmakar and another
Versus
The State of West Bengal and others

Mr. Abhra Mukherjee
Ms. Nibedita Chakraborty.
...for the petitioners.

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly
Mr. Santanu Talukdar.
...for the State.

Memo of evidence submitted by the State be kept with the record.

The petitioners before this Court are Gobinda Karmakar and Souvik Roy who have been implicated in connection with Taldangra Police Station Case No.38 of 2020 dated 13.07.2020 under Sections 143/447/323/325/353/269/270/186 of the Indian Penal Code and Section 7 of the Maintenance of Public Order Act, 1972. The said case was initiated on the basis of a complaint of the Assistant Engineer (E), Khatra Division wherein it was alleged that the duty operator Bamapada Khan and helper Budharai Soren of Khatra Sub Division at about 02.10 hrs. were attacked by Sri Subho Karmakar and other villagers of Bamundanga village at the control room of Taldangra 33/11 KV Sub-station under Khatra Division, WBSEDCL which is a protected place as per the Government of West Bengal Maintenance of Public Order Act, 1972 and the rules framed thereunder. Initially the group of persons

started threatening by hurling abusive languages and after that they physically assaulted the duty operator and the helper as abovenamed.

On receipt of such information, the investigating agency registered Taldangra Police Station Case No.38 of 2020 dated 13.07.2020 and on conclusion of investigation submitted charge-sheet on or about 29.09.2020. In the said charge-sheet the investigating agency has cited the petitioners as accused nos.5 and 6. Number of witnesses cited by the prosecution are seven which include four witnesses including the complainant and the injured as also the doctor and the police officers' concerned.

I have considered the statement of the witnesses so recorded under Section 161 of the Code of Criminal Procedure and also before the doctor. From the statements so recorded of Aniruddha Mondal, Budhari Soren, Ujjwal Samui and Gunadhar Singh as also Bamapada Khan (who has not been cited as witness, but whose statement was recorded). Each of the aforesaid witness consistently stated the name of Subho Karmakar and 10 to 12 other persons. The name of the petitioners only surface in the statement of the co-accused, namely, Subho Karmakar recorded by the investigating officer.

Having considered that such statement do not have any evidentiary value and cannot be used in course of the trial or at the stage of consideration of charges, I am of the opinion that further continuance of the proceedings so far as the present petitioners who have been implicated and are before this Court would be an abuse

of the process of law.

Accordingly, all further proceedings of Taldangra Police Station Case No.38 of 2020 dated 13.07.2020 including the charge-sheet submitted therein against the present petitioners which is pending before the learned ACJM, Khatra is hereby quashed.

Thus, CRR 4616 of 2023 is allowed.

Pending connected application, if any, is consequently disposed of.

Case diary be returned to the learned advocate appearing for the State.

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

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

(Tirthankar Ghosh, J.)