

19.04.2024

Court No.17
Avijit / 09

CRR 3849 of 2015

In Re:- An application under section 482 of the Code of Criminal Procedure, 1973;

Akash Pandit
Versus
The State of West Bengal & anr.

Mr. Ashik Iqbal,
Mr. Rameswar Sinha,
Ms. Debanjana Sen
... for the petitioner
Mr. Imran Ali
...for the State

The learned advocate for the petitioner submits a copy of an extract of Magistrate order passed in connection with Kalimpong Police Station Case No.320 of 2015 dated 17.10.2015 under Section 354 of the Indian Penal Code corresponding to G.R. No. 405 of 2015 pending before the learned Chief Judicial Magistrate, Kalimpong, from which it appears that Akash Pandit voluntarily surrendered before the Court on 09.04.2024 and he has been released on Court bail. The order to issue warrant of arrest has been recalled. Let the photocopy of the Extract of Magistrate Order be taken on record.

This revisional application is preferred on 23rd November, 2015 under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the First Information Report in connection with Kalimpong Police Station Case No.320 of 2015 dated 17.10.2015 under Section 354 of the Indian Penal Code corresponding to G.R. No. 405 of 2015 on the ground that the allegations made therein

are false and frivolous and are not sufficient to constitute any offence under Section 354 of the Indian Penal Code rather it was lodged with an ulterior motive for wreaking vengeance on the accused with a view to spite him due to private and personal grudge which amounts to abuse of the process of Court and law, so it liable to be quashed and/or set aside.

The learned advocate for the State candidly and fairly submits that the chargesheet of this case has been filed and after submission of chargesheet the prayer for quashing of F.I.R. is not proper. In view thereof, this revisional application deserves to be dismissed summarily.

Heard the learned advocates for the parties and perused the memo of evidence submitted by the learned advocate for the State from which it appears that the chargesheet vide Kalimpong P.S. Chargesheet No.411 of 2015 dated 31.11.2015 under Section 354 of the Indian Penal Code against Akash Pandit, has been filed. In view thereof, I do not find any merit in this case. Accordingly, the instant revisional application is dismissed due to lack of merit.

Parties to act on a server copy of this order duly collected from the official *website* of the Hon'ble High Court, Calcutta.

(Uday Kumar, J.)