

06-11-2024  
Court No.3  
SL.56  
D.Ghosh

**In The High Court At Calcutta  
Circuit Bench at Jalpaiguri**

**CRR/294/2024  
AMARNATH SAH @ AMARANATH SAH AND ORS.  
VS  
THE STATE OF WEST BENGAL AND ANR.**

Mr. Sandip Mandal, Adv.  
Mr. Abhilash Mittal, Adv.

...for the petitioners.

Mr. Nilay Chakraborty, Ld. APP.  
Mr. Arjun Choudhury, Adv.

...for State

The instant application is taken up for hearing.

Heard the Learned Counsel for the petitioners as well as Mr. Chakraborty, the learned Counsel for the State.

C.D. is produced today.

Statement of victim girl recorded under Section 164 of the Code of Criminal Procedure, statement of witnesses recorded under Section 161 of the Code of Criminal Procedure along with other materials as well as charge sheet, do not warrant allowing the instant application against the plaintiff no.3.

However, the issues can be considered at the time of consideration of charge by the Trial Court.

On perusal of C.D., paucity of incriminating materials are found against the petitioner no.1 & 2 being the parents of the petitioner no.3.

Mr. Chakraborty, learned Counsel for the State also agreed that there are no very strong incriminating materials against the petitioner nos. 1 and 2.

Accordingly, the instant prosecution namely, Siliguri Women PS Case No. 75 of 2022 dated 12.05.2022 U/S 376/417/506 of the Indian Penal Code, 1860 corresponding Sessions Case no. 35(02)/2023, pending before the Learned Additional Sessions Judge, 2<sup>nd</sup> Court, Siliguri, stand quashed against the petitioner nos. 1 and 2.

Copy of this Order may be communicated to the Learned Trial Court forthwith.

**(SUGATO MAJUMDAR, J.)**