

24.11.2025

Sl. No.03.

D/L.

Mithun.

Ct.No.29.

CRR/238/2025

Ashish Das

Vs.

The State of West Bengal

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Sadia Parveen,
Ms. Aishwarya Datta,
Ms. D. Mondal

...for the petitioner

Mr. Rudradipta Nandy, Ld.APP,
Mr. Siladitya Banerjee

...for the State.

This is an application wherein the petitioner has prayed for quashing the impugned proceeding being G.R. Case No.3884 of 2015 arising out of Baishnabnagar Police Station Case No.775 of 2015 dated 26.10.2015 presently pending before the learned Chief Judicial Magistrate, Malda.

Prosecution case is that on 25.10.2015, I.C. Baishnabnagar Police Station received information over mobile phone that two group of people belonging to two different community numbering approximately 700-800 fighting each other with lathi, bamboos, hansua etc over the issue of immersion of idol. Accordingly, the complainant along with the police force rushed to the spot and found that huge numbers of unruly mob was being armed with fire arms and other illegal weapons were fighting with each other and were hurling bombs. The police authority asked the unruly mob to disperse from the area but they did not take any response.

Thereafter, the complainant and other police personnel arrested 40 miscreants out of which, one is the petitioner. Police after completion of investigation submitted charge-sheet against said 40 accused persons.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he is in no way involved with the alleged offence. He further submits that he has been qualified for the post of Sub-Inspector under the Food & Supplies department, Government of West Bengal and upon being successful in the competitive examination, the petitioner was called on for interview and he has been finally selected for the said job. His medical verification has already been done but police verification is yet to be completed, due to pendency of the instant proceeding. Concerned authority has also refused to issue his appointment letter due to pendency of the instant case. The instant case is pending for 10 years without trial and the petitioner is facing difficulty and is going to be deprived from getting the job. Accordingly, he prayed for quashing of the instant proceeding against the present petitioner.

Learned Counsel appearing on behalf of the State placed the Case Diary and submitted that during investigation sufficient materials have been collected implicating the present petitioner with the alleged offence. As such, the petitioner is required to face the trial and it is not a fit case where the proceeding can be quashed invoking this Court's jurisdiction under Section 482 of the Code of Criminal Procedure.

I have considered submissions made by both the parties and also perused the materials placed in the Case Diary. It appears from the materials that during investigation, the name of the present petitioner has been transpired and the witnesses who were examined under Section 161 of the Cr.P.C. have also disclosed the name of the petitioner.

Learned Counsel for the State also draws my attention, submitting that the independent witnesses also disclosed the name of the petitioner during investigation.

Therefore, I am constrained to find that the FIR along with other materials available in the Case Diary against the petitioner, a cognizable offence has been made out against the petitioner, on the basis of the same. The FIR narrated incident cannot be said to be absurd in the absence of any glaring discrepancy in the materials collected during investigation. Rather I find corroboration in the supporting materials.

It is well settled that while exercising jurisdiction under Section 482 of the Code read with 528 of BNSS, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reliable appreciation of evidence, accusation is sustainable or not because that is the function of the trial Judge.

Therefore, CRR 238 of 2025 stands dismissed.

However, considering the fact that the case is pending for about ten years from the date of its institution, invoking this Court's jurisdiction under Sections 483 of the Cr.P.C. read with

529 of BNSS the Trial Court is directed to make every endeavour for expeditious disposal of the case and if required he will be at liberty to split up the case record in respect of the absconding accused persons, if any, and to conclude the entire proceeding conducting trial on day to day basis as far as possible and without granting any unnecessary adjournment to either side, preferably within a period of six months from the next date of hearing.

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

(Dr. Ajoy Kumar Mukherjee, J.)