

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 1620 of 2025

Tapan Raha & Ors.
Vs.
The State of West Bengal & Anr.

For the Petitioner : Ms. Busra Khatoon

For the State : Mr. Suman De
Mr. S. Das

Heard on : 11.07.2025

Judgment on : 11.07.2025

Jay Sengupta, J.:

This is an application for quashing of a proceeding in which a charge sheet was submitted under Sections 126(2), 115(2), 351(2), 3(5) of the BNS.

No one appears on behalf of the de facto complainant although the affidavit of service filed earlier shows service of notice upon her.

Learned counsel appearing on behalf of the petitioners submits as follows. No grievous hurt was inflicted. Although charges of attempt the murder and molestation were omitted from the charge sheet, yet other serious provisions were included. The alleged inflicting of injuries

was preceded by a civil dispute. No prima facie case is made out as would be evident from a plain reading of the First Information Report and the charge sheet. Any further continuation of the impugned proceeding shall be an abuse of the process of Court.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. There are statements of the injured as well as local eye-witnesses who corroborate the prosecution case. There is also an injury report in support of the prosecution case.

I have heard the learned counsels for the parties and perused the application and the case diary.

From the FIR, the statements of witnesses including the local ones and the injury report, a prima facie case is clearly made out under Section 126(2), 115(2), 351(2), 3(5) of the BNS.

The contentions advanced on behalf of the petitioner mostly pertain to disputed questions of fact, which can best be dealt with by the learned trial Court.

In view of the above, I find no merit in this application.

Accordingly, the same is dismissed, albeit, without any order as to costs.

The petitioners shall, however, be at liberty to take up all the points available to them including the ones taken up herein, before the trial Court at the appropriate stage.

Urgent Photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

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