

CRR No. 2213 of 2024

In the matter of : Rakhal Halder & Anr.

..... petitioners.

Mr. Prosenjit Mukherjee
Ms. Babita Pramanik

...for the petitioners.

Mr. Prasun Kr. Dutta
Mr. Amanul Islam

...for the State.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

None appears for the private opposite party despite service.

The petitioners seek quashing of proceeding being GR Case No.7366 of 2018 pending before the learned Additional Chief Judicial Magistrate, Baruipur primarily on the ground that no prima facie case as alleged has been made out against them.

Learned counsel for the petitioners submits that though charge sheet has been submitted against the petitioners and three others under Sections 341/323/506/34 of the Indian Penal Code, the plots where the alleged incident occurred have not found place in the charge sheet.

The 1st petitioner is a septuagenarian person and has been falsely implicated.

Producing the Case Diary, learned counsel for the State submits that a prima facie case under Section 341/323/506/34 of the Code has been made out against the petitioners upon examination of witnesses under Section 161 of the Code of Criminal Procedure.

Upon consideration of the material available in the Case Diary, particularly the statement of witnesses under Section 161 of the Code, this Court is of the view that a prima facie case as alleged appears to have been made out against the petitioners.

It is for the learned Trial Court to decide upon recording evidence as to whether such allegations have been substantiated beyond reasonable doubt. This is not a case that can be quashed at the threshold in exercising jurisdiction under Section 482 of the Code of Criminal Procedure.

This Court is informed that plea has been recorded and date fixed for recording evidence.

This Court is not inclined to interfere with the proceedings at such mature stage and also in view of the material available in the Case Diary.

In the result, this Court is inclined to hold that the revisional application is devoid of any merit is liable to be dismissed.

CRR 2213 of 2024 is dismissed.

Case Diary be returned.

There shall, however, be no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)