

CRR 2657 of 2024

Gopinath Majumder
Vs.
The State of West Bengal

Sr. Adv. Phiroze Edulji,
Adv. Soubhik Mitter,
Adv. Rajnandini Das,
Adv. Shayani Das,

...for the petitioner.

Adv. Debasish Roy, Ld. PP,
Adv. Arijit Ganguly,
Adv. Sachit Talukdar,

...for the State.

Heard learned counsels for the parties.

Perused the Case Diary.

The petitioner who is one of the accused in Special case no. 52 of 2021 pending before the learned Judge, Special Court, under the NDPS Act, 3rd Court, Malda is aggrieved by the order impugned dated 24th April, 2024 turning down his prayer under Section 227 of the Code of Criminal Procedure and seeks quashing of the proceedings against him.

Learned counsel for the petitioner submits that save and except the stray statement made by one of the co-accused, there is no material against him under Section 20(b)(ii)(C)/29 of the NDPS Act. No recovery has been made from him.

Learned Public Prosecutor vehemently opposes the prayer.

It appears from the case diary that apart from the statement of the co-accused implicating the petitioner in the alleged offence, an independent witness Nanda Gopal Mukherjee was examined under Section 161 of the Code of Criminal Procedure. The said witness has stated that one Chiran handed over Rs.7.5 lakhs to the petitioner for making it over to another person. The petitioner received the said

amount without enquiring about its details. Save and except such statement, no incriminating material has transpired against him to *prima facie* suggest his involvement in the alleged offence. It is also not in dispute that no recovery has been made from him.

Upon consideration of the entire material of record, particularly the Case Diary, this Court is of the view that allowing the proceeding to continue shall be a futile exercise and abuse of the process of the Court. The material available on record can, under no circumstance, lead to conviction of the petitioner and it shall not be just or fair to compel the petitioner to suffer the ordeal of the trial without any cogent reason whatsoever.

Accordingly, CRR 2657 of 2024 is allowed.

Special Case no. 52 of 2021 pending before the learned Judge, Special Court, under the NDPS Act, 3rd Court, Malda be quashed qua the petitioner.

It is made clear that the proceeding shall continue against the other accused persons.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Suvra Ghosh, J.)