

11.04.2025

Ct. No. 42
Item No. 20
(SSS)

CRR 2631 of 2017

Jaydeb Sardar and Ors.

VS.

State of West Bengal & Anr.

Mr. Joydeep Roy, Ld. Jr. Govt. Advocate.

Mr. Dipankar Paramanick

.....For the State.

1. None appears on behalf of the petitioner nor any accommodation is prayed for.

2. Petitioners were not represented even on the previous occasion.

3. However, Learned Advocate for the State informed the Advocate on record for the petitioners. Despite that they did not appear as they are no more attached with this case. Therefore, I have taken this matter for passing order on the basis of the material on the record.

4. The petitioners Jaydeb Sardar and others prayed for quashing of the entire proceeding of GR Case No. 4893 of 2015 arising out of Sandeshkhali P.S. Case No. 524 dated 19th October, 2015 under Sections 341/354/326/307/120B of Indian Penal Code, pending before the Court of Learned Additional Chief Judicial Magistrate, Basirhat and quashing of order dated 3rd June, 2017 passed by Learned Additional Chief Judicial Magistrate, Basirhat in connection with

the above case on the ground that those proceedings were initiated wrongly against them.

5. It appears from the written complaint that Ava Maity dated 09.12.2014 that at 7 a.m. on 9th December, 2014, a quarrel was cropped up between petitioners and complainant/opposite party over the issue of cutting of tree at the bank of her pond. As a result thereof, the petitioners assaulted the complainant/opposite party with shavol, lathi, iron rod, bat etc. when she was coming from the shop of Basudeb Sardar. As a result, she received serious injury and informed the incident to the Sandeshkhali police station upon which Sandeshkhali P.S Case No. 726 of 2014 dated 11.12.2014 under Sections 341/323/324/325/506/34 of Indian Penal Code was stated.

6. Subsequently, another complaint was lodged on 19.10.2015 in the Court of Learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas under Section 156(3) of Code of Criminal Procedure stating therein that at 9.30 a.m. Ava Maity and her husband went to cut Babla tree near the bank of their pond but petitioners/accused prevented them and abused them. Thereafter, she went to a shop with her child at around 3.30 p.m. The petitioners outraged her modesty and assaulted her badly. They visited R.G. Kar Hospital for treatment of their injuries

received in that course. The said complaint was lodged in the police station upon which Sandeshkhali Police Station Case No. 524 of 2015 dated 19.10.2015 under Sections 341/354/326/307/120B of Indian Penal Code was started and charge-sheet was submitted on 31.05.2016 and investigation was culminated into charge-sheet.

7. The petitioners prayed for discharging them from G.R. Case No. 4893 of 2015 on the ground that opposite party has filed two complaints on selfsame incident after suppressing the filing of first complaint before the Trial Court.

8. Learned Trial Court rejected the prayer on the ground that the case is fixed on 10th August, 2017 for framing of charges and some of the accused in both cases are different.

9. Being aggrieved by the said order they preferred this revisional application.

10. It appears from the report regarding present status of the case pending before the Trial Court that G.R. 4983 of 2015 is fixed on 18th July, 2025 for appearance of the accused persons except Jaydeb Sardar. The proceeding of the said GR case is stalled before the Trial Court by the order of this Court since 9th August, 2017.

11. Prima face, sufficient materials are available on record in support of the case.

12. In any event, the genuinity of the allegations are

the disputed question of fact, which could only be decided by Trial Court on the basis of evidence of witnesses.

13. Accordingly, I do not find any defect in the impugned order 03.06.2017.

14. As such, the instant revisional application being CRR 2631 of 2017 is disposed of.

15. There will be no order as to costs.

16. Interim order/orders, if any, stands vacated.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

[Uday Kumar, J]