

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

13.02.2025

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C.R.R. No. 3720 of 2024

In Re : An application under Section 528 of BNSS.

And

In Re : Ashis Kumar Mukhopadhyaypetitioner

Mr. Jayanta Narayan Chatterjee, Sr. Adv.

Ms. Mamata Pandit

Ms. Jayashree Patra

Ms. Suparna Ghosh

Ms. Ritushree Banerjee

Mr. Bhaskar Mondal

..... for the petitioner

1. Learned senior Counsel for the petitioner submits he is the headmaster of the school. He has been falsely implicated in the case. He did not exert unreasonable force on the student and the ingredients of alleged offence are not disclosed.

2. Uncontroverted allegations in the FIR show petitioner had assaulted the student with fists and blows. As a result student had to be treated in the hospital.

3. Mr. Chatterjee, argues that the issue is a minor one and would be covered under the exception under Section 95 of the Indian Penal Code.

4. I am of the considered view this defence requires to be thrashed out in the course of trial. However, when uncontroverted allegations disclose due to physical assault on a student resulting in injuries we are not inclined to quash the proceeding at this stage.

5. It is open to the petitioner to agitate his defence at the appropriate stage of the proceeding.

6. With these observations the revisional application is disposed of.

7. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)