

04.3.2025
Sl.12
Nandita
Court No.40

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

CRR 4195 of 2024

**Sushil Jash & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Dipankar Aditya,
Mr. Pinaki Bhattacharyya,
Mrs. Tina Biswas,
Ms. Payel Ghosh,
Mr. Prantik Sarkar,
Ms. Aishwarya Priya Raha
.... For the Petitioners.
Mr. Md. Adil Badr.
Mr. Karan Bapuli.
.... For the State

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The instant application is filed under Section 438 read with Sections 442 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Repeal Section 482 read with Section 401 and 397 of the Criminal Procedure Code) praying for quashing of Charge-Sheet No. 777/20 dated 31.10.2020 under Sections 363/365/368/376/ 120(B)/420/406 of the Indian Penal Code arising out of Burdwan P.S. Case No. 1034/2019 pending before the learned Additional Session Judge, 5th Court at Burdwan.

An application was filed by the petitioners under Section 227 of the Code of Criminal Procedure for discharge, before the

Learned Additional Session Judge, 5th Court in Session Case No. 125 of 2021. In terms of an order dated 03.08.2024 the learned Additional Session Judge rejected the application.

The application is accompanied by copies of statement of witness as well as the victim. It also contains certified copy of the impugned order passed by the Learned Additional Session Judge. The statement of the victim as well as other witness, in particular the statement of the victim recorded under Section 164 of Criminal Procedure Code reveal strong incriminating elements against the petitioner no. 3 who is the prime accused. Therefore, prayer of quashing is rejected against the the petitioner no. 3.

No incriminating elements are against their petitioner nos. 1 and 2, therefore, charge against petitioner nos. 1 and 2 stands quashed. Accordingly, charge-sheet No. 777/20 dated 31.10.2020 stands quashed against the petitioner nos. 1 and 2.

So far as the petitioner no.4 is concerned his name is not in the application filed under Section 156(3) of the Criminal Procedure Code. There are no incriminating elements implicating the petitioner no. 4 though stray references of name are there. Accordingly, the charge against the petitioner no. 4 is also hereby quashed.

In a nutshell the application is partly allowed. Charge-Sheet no. 777/20 stands quashed against the petitioner nos. 1, 2 and 4.

Observation made herein are tentative and should not influence the trial Court in passing future orders.

The instant revisional application stands disposed of.

(Sugato Majumdar, J.)