

21.02.2025
rc/ct.no.34
Item No.561

CRR No.4285 of 2024

**In the matter of : Dmitrii Abramov @ Devananda Das & Anr.
.....Petitioners**

Mr. Ramesh Pal Lothra
Mr. Himanshu Lothra
Mr. Sujit Saha ...for the Petitioners

Mr. Debasish Ray
Mr. Anand Keshari
Ms. Suchismita Duttafor the State

Heard learned counsels for the parties. Perused the Case
Diary.

The 3 Closed-Circuit Television (in short, “CCTV”) footages
which were made over to the petitioners by the prosecution are
also played in Court.

It appears from the CCTV footages that the incident showed
therein occurred at the bank of the waterbody and not within the
house/property of the private opposite party/defacto complainant.
Petitioners are seen not to carry any weapon in their hand.

Learned counsel for the petitioners submits that it is clear
from the CCTV footages that the incident occurred on the river
bank and it was the petitioners who were assaulted by the men
and agents of the private opposite party by fist and blows and
lathi and the petitioners are not seen to be carrying any weapon
with them. Stones were pelted at the petitioners even after they
left the spot in a boat.

Per contra, learned counsel for the State takes this Court to the injury reports which prima facie demonstrate that some injuries were inflicted on the persons. No assailant has been named in the injury reports.

Record reveals that the learned trial Court has framed charges under Sections 341/323/324/34 of the Indian Penal Code. No reason has been assigned by the learned trial Court as to how these penal sections are attracted. The order is, in fact, bereft of any reasoning whatsoever. The learned trial Court has only recorded framing of charge and has not taken the pain to delve into the material available before him in order to satisfy himself that prima facie material under Sections 341/323/324/34 of the Indian Penal Code were found in the Case Diary.

In view of the above, this Court is inclined to hold that the matter be remanded to the learned trial Court, being the learned Judicial Magistrate, Nabadwip, Nadia for reconsideration of the charge upon hearing the parties and perusing the material on record including the Case Diary.

True, the petitioners who are Russian citizens seek quashing of the proceedings being G.R.Case No. 164 of 2024. But since it appears that the learned Magistrate needs to consider the charges against the petitioners upon perusal of the material on record including the Case Diary, this Court finds it fit to send back the matter before the learned trial Court for reconsideration

of the charge within one month from the date of communication of this order.

On the prayer of the petitioners, liberty is granted to file an application under Section 205 of the Code of Criminal Procedure before the learned trial Court after the charges are considered.

CRR No. 4285 of 2024 is disposed of accordingly.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh,J)