

18.3.2025
Sl.39
Nandita
Court No.40

CRR 4401 of 2024

In Re: - An application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of the Code of Criminal Procedure, 1973 for quashing of the entire proceeding being Liluah Police Station Case No. 455 of 2014 dated 11.11.2014 under Section 341/323/354/506/379/34 of the Indian Penal Code including Charge-sheet number 48 of 2015 under Sections 341/323/506 of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Howrah

And

Mriganka Mouli Ghosh
Vs.
The State of West Bengal & Anr.

Mr. Saryati Datta,
Ms. Dona Sanyal,
Mr. Chitrak Biswas,
Ms. Sadia Zarreen,
Ms. Paushali Pal.

....For the Petitioner.

Mrs. Faia Hossain,
Mrs. Shaila Afreen

.... For the State

Mrs. Ankita Bose

.... For the Opposite Party no. 2.

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

The instant application is filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of the proceeding. Charges in this case have already been framed.

The learned counsel for the petitioner submitted that he has not preferred any discharge application before the Trial Court.

The learned Counsel for the State submitted that in view of and on the basis of materials on record the Trial Court considered and framed charges correctly. He admitted that some exaggeration are there in the written complaint that is why although the investigation was initiated under Section 314/323/354/506/379/34 of the Indian Penal Code, subsequently charges were framed under Section 341/323/506 of the Indian Penal Code.

Learned Counsel for the petitioner relied on the decision of the Hon'ble Supreme Court of India in the case of **Hazi Iqbal alias Bala Through S.P.O.A. Vs. State of U.P. and Others 2023 SCC Online SC 946** to fortify his argument that, even though discharge application has not been filed, the same is not a bar to quash prosecution.

I have heard the rival submissions.

The learned Trial Court considered charges keeping in mind the materials on record. Trial is about begin. Materials on record, contained in the Case Diary contains incriminating elements against the petitioner, showing prima facie, his complicity. Therefore, it is not a fit case for quashing.

However, the Trial Court is expected to expedite the trial and dispose of the trial without being influenced observation made herein.

The Trial Court shall not allow undue adjournment to any of the parties to expedite the application.

The instant revisional application stands disposed of.

Case Diary be returned to the learned Counsel for the State.

Copy of this order be sent to the Learned Court below.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Sugato Majumdar, J.)