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Ct. No.
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C.R.R. 3506 of 2017

Akbar Ali Midday alias Akbar Midde & Ors.
Vs.
The State of West Bengal

1. When the instant Revisional Application was called for final hearing, it was observed that none appeared on behalf of the Petitioners, nor was any prayer for accommodation advanced. Furthermore, the Court notes with deep disapprobation that Petitioners, having invoked the extraordinary inherent jurisdiction of this Court, have subsequently failed to prosecute their own cause with due diligence.
2. This lack of earnestness is compounded by the inordinate period of pendency of this matter, a situation directly attributable to the procedural laxity and sustained neglect exhibited by the parties. Such conduct constitutes an unwarranted drain on public judicial resources and obstructs the timely delivery of justice in other deserving matters. The Court cannot permit proceedings to linger indefinitely simply because the parties choose to remain absent or non-compliant.
3. In these circumstances, and in strict adherence to the governing principle that *interest reipublicae ut sit finis litium* (it is in the public interest that there be an end to litigation), this Court holds it to be a judicial imperative that the case be decided forthwith.
4. Accordingly, notwithstanding the wilful non-appearance of the parties, this matter is taken up for summary disposal based on a meticulous examination of the pleadings, the Charge Sheet, and all materials available on the record to ensure that the

ends of justice are subserved through finality.

5. The Petitioners seek the quashing of proceedings arising from Sankrail P.S. Case No. 767 of 2016 (G.R. No. 5886 of 2016), registered under Sections 341/323/326A/354/379/34 of the Indian Penal Code, alleging assault, robbery, outrage of modesty, and the throwing of an acid bulb resulting in injury.
6. The primary contention advanced by the Petitioners is that the allegations are false, instigated as a counter-blast, and that the materials on record, including the S 164 statement, fail to substantiate the grave charge under Section 326A (Acid Attack), rendering the prosecution patently absurd.
7. The inherent power of this Court under Section 482 of the Cr.P.C. is reserved for exceptional circumstances and cannot be utilized to conduct a mini-trial or to meticulously weigh the sufficiency or credibility of evidence. The primary duty of the Revisional Court at this stage is limited to ascertaining whether the allegations and the material collected during investigation disclose the prima facie commission of any cognizable offence.
8. Upon careful review, this Court finds that the prosecution records disclose specific, serious allegations that fall squarely within the ingredients of several penal provisions, including Section 326A and Section 354A of the IPC. The Petitioners' assertions regarding the false nature of the case, the existence of a counter-blast, and the alleged contradictions between the F.I.R. and the S. 164 statement are quintessentially disputed questions of fact. These factual issues require the rigorous process of cross-examination and the full production of

evidence, including medical reports, which must be undertaken by the Learned Trial Court.

- 9.** As the available material discloses a *prima facie* case sufficient to justify proceeding against the Petitioners, the intervention of this Court under its inherent powers is entirely unwarranted.
- 10.** Consequently, the Revisional Application, being CRR 3506 of 2017, is adjudged to be devoid of merit and is hereby dismissed.
- 11.** The interim order, if any, passed by this Court in connection with this Revisional Application stands automatically vacated.
- 12.** Urgent photostat certified copy of this Order, if applied for, be supplied to the parties subject to compliance with all requisite legal formalities.

(Uday Kumar, J.)

