

27.3.2025
Sl. 3
Samarpita
Court No.38

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

CRR 4542 of 2024

**Akhilesh Jain @ Akhilesh Saklecha
Vs.
The State of West Bengal & Anr.**

Mr. Sanjoy Banerjee
Ms. Neelina Chatterjee,
Mr. Biswajit Saha
... for the petitioner

Ms. Amita Gaur,
Mr. Sachit Talukdar
... for the State

The Certified Copy of the Case diary is taken on record.

Mr. Sanjoy Banerjee, learned Counsel appearing on behalf of
the petitioner is present.

Mr. Sachit Talukdar, learned Counsel appearing for the State
is present.

In compliance by the order by this Court dated 20th March,
2025, the learned Counsel appearing for the State has produced the
Case Diary, and he submitted that the investigation has been
completed and the Charge Sheet has been filed. This Court has
gone through the Charge Sheet. The Charge Sheet has been filed

against the petitioner for the alleged offence under Section 420/406 of the Indian Penal Code.

After going through the Charge Sheet, this Court finds that the Investigating Officer in the Charge Sheet has recorded as follows:

“During investigation of the case P.O. was visited, available witnesses were examined and recorded statements u/s 161 Cr. P.C., I served the notice U/S 91 Cr. P.C. to complaint and collect some documents. I also served notice U/S/ 41A Cr. P.C. to accused person but he did not compliance the notice. I submit a prayer to the O/C Hare Street PS for Police assistance to held raid and search in the Hare Street PS area and I held raid at house of the accused but in vain. After that accused person surrendered before Ld. Court respectively on 27/01/23 & released on bail. I asked the complaint to produce more witnesses in this case but till date he could not able to produce any witnesses/documents before me. I also request complainant to produce injury report in feaver in connection with the above mentioned case reference for the purpose of investigation. On demand he did not produce any injury report.

A prima facie charge U/S/ 420/406 IPC has well been established against following accd person as noted in Col. No. 12.”

This Court found that this case is initiated by the Police of P.S. Kharda, as per the order passed by the Learned Additional Chief Judicial Magistrate, Barrackpore, under Section 156(3) of the Code of Criminal Procedure. After initiation of the F.I.R., the Investigating Officer has issued notice under Section 91 of the Code of Criminal Procedure to the complainant, but the complainant has not come forward with any document in support of her claim. The Investigating Officer, at the time of filing of the Charge Sheet has also stated that the complainant has not

produce any witnesses even the complainant has not produce any injury report. This Court fails to appreciate that the complainant has made the complaint before the Learned Magistrate under Section 156(3) of the Code of Criminal Procedure for initiation of the case and investigation of the matter. In terms of the prayer made by the complainant, learned Magistrate has directed the concerned Police to investigate the case.

Accordingly, Police investigated the matter. This Court find that during the investigation, the Investigating Officer did not find any material to corroborate the complaint made by the complainant in the petition. The Investigating Officer has categorically stated that there is no witness, there is no document and nothing has been produced by the complainant to support her case. In spite of the same the Investigating Officer has submitted the Charge Sheet.

This Court found that there is no case made out against the petitioner for the alleged offence under Sections 420/406 of the Indian Penal Code. The Charge Sheet does not contain any evidence to find out any *prima facie* case against the petitioner.

This is a fit case, wherein, the Charge Sheet filed by the Kharda Police Station is required to be set aside.

Accordingly, the same is set aside and quashed the case pending against the petitioner being GR Case No. 4173 of 2022 arising out of Kharda Police Station Case No. 376 dated 13th May, 2022 under Section 420/406 of the Indian Penal Code is set aside and quashed.

Accordingly, this Criminal Revision being **CRR 4542 of 2024** is allowed.

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

(Krishna Rao, J.)