

16.

CRR 5000 of 2024

23.12.2025
Bd.
Ct. 29

Sekh Asadul @ Jarakhan & Anr.

Vs.
The State of West Bengal

Mr. Uday Shankar Chattopadhyay
Mr. Santanu Maji
Ms. Sadia Parween
Ms. Debrani Mondal **... for the petitioners.**

Ms. Rituparna Ghosh
Mr. Sachit Talukdar **... for the State.**

The report submitted by the Officer-in-Charge Udaynarayanpur Police Station, dated 17.12.2025 is taken on record.

Mr. Chattopadhyay, learned counsel appearing for the petitioners not pressed the application of petitioner no. 2, and as such the instant application is dismissed being not pressed qua the petitioner no. 2, Sekh Nasir Ali @ Tanku.

The prayer made by Sekh Asadul @ Jarakhan is that he has been falsely implicated. The alleged offence has been leveled against 24 charge-sheeted accused persons including petitioner in connection with G.R. Case No.984 of 2022 arising out of Udaynarayanpur Police Station Case No. 40 of 2022 dated 03.05.2022.

The allibi taken by the petitioner herein is that the incident allegedly took place on 3rd May, 2022. The petitioner was admitted in a Government hospital on 1st May, 2022 at 10.30 a.m. and he was discharged therefrom on 05.05.2022 at about 3.30 p.m. This court by its earlier

order directed the investigating agency to submit a report about such claim made by the petitioner.

The report submitted today by the Officer-in-Charge Udaynarayanpur Police Station discloses that they have verified the register of the hospital wherefrom it appears that at the relevant point of time the petitioner was admitted in the Government hospital.

Learned counsel appearing on behalf of the State raised objection contending that alibi, if any, cannot be considered at the time of disposal of application under section 482 of the Cr.P.C. because it requires verification during trial as to whether the petitioner was really admitted as an indoor patient during that period of time or not.

I have considered submissions made by the parties. There is no quarrel with the proposition that the plea of alibi is generally a question of fact which is to be decided at the end of trial. However in the instant case the investigating agency has cross-checked petitioner's claim and found to be true. Therefore I find that the verification report placed by the investigating agency is impeachable in character and as such reliance can be placed upon such document.

Having considered the overall facts and circumstances of the case and also the materials available in the case diary in connection with the present petitioner, I find that continuance of further proceedings quo the

petitioner would be a mere abuse of the process of the court, since there is hardly any chance of conviction of the present petitioner at the end of trial with the available materials.

In such view of the matter, CRR 5000 of 2024 is allowed.

The impugned proceeding being GR Case No. 984 of 2022 presently pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah, is quashed qua the petitioner no.1, **Sekh Asadul @ Jarakhan.**

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

(Dr. Ajoy Kumar Mukherjee, J.)