

14.02.2025
Ct. 3
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURIDICITION
APPELLATE SIDE**

C.R.R. 17 of 2024

In re: Jaduram Pradhan & Ors.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Sayantani Das
...for the petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Tapan Mukherjee
...for the State

This is a revision to challenge the proceeding in connection with Pradhannagar Police Station Case No. 140 of 2019 dated 14.3.2019 under Sections 420/447/466/467/468/471/472/473/474/506/511/120B/34 of IPC, read with Section 3(1)(iv)/3(1)(v)/3(1)(vii)/3(1)(ix)/3(1)(x) of SC & ST (POA) Act, 1989, corresponding to Special Case No. 14 of 2019, now pending before the Court of Additional Sessions Judge 1st Court, Darjeeling.

Mr. Bhowmik, learned advocate appears for the petitioner. He submits with reference to the records that the allegations should be a dispute, if at all, civil in nature and not a criminal case insofar as

those do not disclose any ingredient of offence as enumerated in the criminal law.

He would further submit that so far as the offence under Section SC/ST (Prevention of Atrocities) Act, 1989 is concerned, the FIR of written complaint would not reveal any material whatsoever.

Mr. Chakraborty, learned advocate has appeared for the State respondent.

In spite of service of repeated notice, none has appeared for the opposite party no. 2.

Hence, the Court takes up the matter for disposal in absence of the opposite party no. 2.

It appears from record that the complainant has alleged about wrong recording of names in the record of rights thereby not incorporating the complainant, who claimed himself to be the owner of the plot of land but the names of the present petitioner allegedly, illegally and without any basis.

Firstly, so far as the claim of the complainant recording his ownership, there is no material available on record to substantiate the same.

Secondly, on perusal of the relevant documents and averments and after consideration of the submission made by learned lawyers before this Court, the Court is of the considered opinion, the nature of dispute if at all existing between the

parties can only be turned to be civil in nature and no elements of criminality is apparent therein.

Hence, in view of no material ingredients of offence as alleged against the petitioner being available on the basis of the complaint as well as other records, the Court is of the considered opinion to dispose of the present revision case by directing quashing the entire proceedings as against the present petitioner in Pradhannagar Police Station Case No. 140 of 2019 dated 14.3.2019 under Sections 420/447/466/467/468/471/472/473/474/506/511/120B/34 of IPC, read with Section 3(1)(iv)/3(1)(v)/3(1)(vii)/3(1)(ix)/3(1)(x) of SC & ST (POA) Act, 1989, corresponding to Special Case No. 14 of 2019 now pending before the learned Court of Additional Sessions Judge 1st Court, Darjeeling.

Hence, the proceeding in Pradhannagar Police Station Case No. 140 of 2019 dated 14.3.2019 in Special Case No. 14 of 2019 under Sections 420/447/466/467/468/471/472/473/474/506/511/120B/34 of IPC, read with Section 3(1)(iv)/3(1)(v)/3(1)(vii)/3(1)(ix)/3(1)(x) of SC & ST (POA) Act, 1989 is quashed.

The criminal revision is disposed of.

(Rai Chattopadhyay, J.)