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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 288 of 2025

Re: An application under Section 528 of the BNS

In Re : **Rajesh Kumar Garg @ Raju Garg** ... Petitioner.

Dr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Ms. Sunayana Parveen
Ms. Riya Agarwal
Mr. Mantu Mandal
... for the Petitioner.
Mr. Aditi Shankar Chakraborty
Mr. Abhijit Sarkar
... for the State

The petitioner seeks quashing of charge-sheet pertaining to NJP police station case no. 1465 of 2020 dated 21st December, 2020.

Learned counsel for the petitioner submits that the tea garden in question originally belonged to the father of the defacto complainant who sold out the same in favour of one Krishna Lama who has been carrying on cultivation therein. The petitioner has a business of supply of tea leaves from the said owner and selling out the same in open market and has no further nexus with the owner or the property in question. He has been falsely implicated in this case and charge-sheet has been submitted without any basis.

Learned counsel for the State opposes the prayer.

Learned counsel for the defacto complainant also opposes the prayer and submits that the tea garden in question belongs to the father of the defacto complainant who never sold out the same in favour of Krishna Lama. The sale deed was forged by Krishna Lama who claims to be the owner of the tea garden.

I have considered the rival contention of the parties and material on record.

It is not in dispute that the tea garden in question originally belonged to the father of the defacto complainant. The defacto complainant disputes sale of the said garden in favour of Krishna Lama. Surprisingly the deed allegedly executed by his father in favour of Krishna Lama has not been challenged by the defacto complainant before the appropriate forum. It is also not in dispute that the petitioner has neither wrongfully occupied, nor cultivated the garden in question or wrongfully dispossessed the defacto complainant/his father.

Charge-sheet has been submitted against the petitioner under Section 3(1)(f)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is a fact that the defacto complainant and his father are members of the Scheduled Tribe. But admittedly there being no allegation against the petitioner under the Act, the complaint as well as charge sheet filed against him does not lie. The petitioner cannot be made to suffer the ordeal of a trial despite having no nexus with the offence alleged. Allowing the proceeding to continue shall be an abuse of the process of the Court.

In the said backdrop, the revisional application is allowed.

The charge-sheet being no. 49/2021 dated 18th February, 2021 pertaining to NJP police station case no. 1465 of 2020 dated 21st December, 2020 be quashed.

There shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)