

28.04.2026
Ct. No.237
Sl. No.1

CRR 2067 of 2025

**Uttam Mondal & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Rajdeep Majumder, Sr. Adv.
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee

...for the petitioners

Mr. Debasish Roy, Ld. P.P.
Mr. Suman De
Ms. Diksha Ghosh

...for the State

This revisional application has been preferred seeking clubbing of proceedings arising out of Nandigram Police Station Case No. 990 of 2024 dated 09.12.2024 under Sections 329(3)/115(2)/11792)/118(2)/109/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023, and Nandigram Police Station Case No. 993 of 2024 dated 09.12.2024 under Sections 189(2)/190/329(3)/115(2)/351(2)/103/74/ 61(2) of the Bharatiya Nyaya Sanhita, read with Sections 25/35 of the Arms Act and Sections 3(1)(r)(s)(w)(z)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the ground that both proceedings arise out of the self-same incident and continuation of parallel proceedings would amount to abuse of the process of Court.

The records placed before this Court reveal that both the FIRs relate to an occurrence dated 08.12.2024 at about 9:00–9:30 PM at Village 7th Part Jalpai under Nandigram Police Station, which ultimately resulted in the death of one Bishnupada Mondal. The first FIR, being Nandigram P.S. Case No. 990 of 2024, was lodged by Sandhya Mondal at 00:05 hours on 09.12.2024 alleging assault upon the deceased and another person by the present petitioners and others. Subsequently, the second FIR, being Nandigram P.S. Case No. 993 of 2024, was lodged on the same date at 16:45 hours by Susmita Mondal, the wife of the deceased, implicating a larger number of accused persons and incorporating certain additional allegations.

Upon consideration of the materials on record, it appears that the date, time and place of occurrence in both FIRs are identical. The victim of the alleged homicidal assault is the same individual. The core allegations in both FIRs relate to an assault committed by the accused persons in the course of a single transaction. The names of several accused persons overlap and the witnesses cited in both proceedings are also substantially the same. The second FIR, though more elaborate in nature, appears to be an improved or expanded version of the same occurrence.

The legal position in this regard is well settled. The Hon'ble Supreme Court in the judgment reported at **(2001) 6 SCC 181 (T.T. Antony v. State of Kerala)** has categorically held that there cannot be a second FIR in respect of the same cognizable offence or occurrence. The principle has been reiterated in the judgment reported at **(2010) 12 SCC 254 (Babubhai v. State of Gujarat)**, wherein it has been held that any subsequent information relating to the same incident must be treated as part of the first FIR and not as a fresh FIR.

In the present case, both FIRs unmistakably arise out of the same transaction. Permitting two parallel proceedings based on the same set of facts would result in duplication of evidence, possibility of conflicting findings and would amount to abuse of the process of Court.

At the same time, it is also evident that investigation in both cases has been completed and charge sheets have been filed against substantially overlapping accused persons.

Upon completion of the investigation in connection with Nandigram Police Station Case No. 990 of 2024, a charge sheet, being No. 193/2025 dated 04 March 2025, was submitted under Sections 329(3)/115(2)/117(2)/118(2)/109/103(1)/351(2)/3(5)

of the Bharatiya Nyaya Sanhita against six accused persons, namely: (1) Uttam Mondal, (2) Prasanta Mondal, (3) Bubun Sen @ Manas Sen, (4) Chandan Kumar Sen, (5) Rajkumar Mondal, and (6) Bholanath Mondal.

Upon completion of the investigation in connection with Nandigram Police Station Case No. 993 of 2024, a charge sheet, being No. 69/2025 dated 07 February 2025, was submitted under Sections 329(3)/115(2)/118(2)/103(1)/74/61(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita against six accused persons, namely: (1) Uttam Mondal, (2) Bholanath Mondal, (3) Manas Sen @ Bubun, (4) Rajkumar Mondal, (5) Prashanta Mondal, and (6) Chandan Kumar Das.

The submission on behalf of the State is that the materials collected in connection with the second FIR may be amalgamated with the first case.

In view of the law laid down by the Supreme Court, there cannot be any doubt that the second FIR, being Nandigram Police Station Case No. 993 of 2024 dated 09.12.2024, registered at Nandigram Police Station, Purba Medinipur, under Sections 189(2)/190/329(3)/115(2)/351(2)/103/74/ 61(2) of the Bharatiya Nyaya Sanhita, read with Sections 25/35 of the Arms Act and Sections 3(1)(r)(s)(w)(z)(v)

of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, cannot be sustained in the eye of law and is, accordingly, quashed.

However, in the facts of the present case, this Court is of the view that the ends of justice would be best served by directing a consolidation of two cases rather than quashing the subsequent proceeding in its entirety, particularly when additional allegations have also been investigated.

Accordingly, the statements recorded, along with the seized articles and documents collected during the investigation pursuant to the second FIR, shall be amalgamated with the record of investigation pertaining to the first FIR. The records of the second case shall be tagged with those of the first case and shall be available for use at the subsequent stages of the proceedings.

CRR 2067 of 2025 is accordingly disposed of.

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

(Kausik Chanda, J.)