

23.06.2026
Item no.7
Ct. No.237
AKG

C.R.R. 4839 of 2025
Ranjit Mandal
Vs.
State of West Bengal

Mr. Moyukh Mukherjee,
Mr. Kaustav Banerjee,
Ms. Sarmistha Basak

.....for the Petitioner

Mr. Subir Ganguly,
Mr. Sandeep Prasad Shaw

...for the State

The petitioner, by filing the present application, seeks quashing of Nadanghat Police Station Case No. 273 of 2025 dated May 5, 2025, registered under Sections 281, 125(b), and 324(4) of the Bharatiya Nyaya Sanhita, 2023.

The case was registered on the basis of a complaint lodged by one Saraswati Ghosh, who alleged, inter alia, that on April 22, 2025, her husband was travelling from Jalhati towards Nadanghat More on his motorcycle bearing Registration No. WB44N-8041. When he reached in front of a motorcycle showroom near the Bibirhat culvert, a four-wheeler vehicle bearing Registration No. WB-24AU-4179, allegedly being driven in a rash and negligent manner, forcefully collided with the motorcycle from behind.

As a result of the collision, the victim was thrown onto the road and sustained bleeding injuries. He was immediately taken to a nearby hospital and was subsequently referred to Burdwan Medical College and Hospital. Thereafter, he was admitted to a

nursing home in Burdwan, where he underwent surgery below the knee of his right leg.

On the basis of the complaint, the investigating agency registered the aforesaid case and commenced investigation. Upon completion of the investigation, the investigating agency submitted Charge-sheet No. 461 of 2025 dated August 5, 2025, under Sections 281, 125(b), and 324(4) of the Bharatiya Nyaya Sanhita, 2023.

Assailing the charge-sheet, Mr. Moyukh Mukherjee, learned advocate appearing for the petitioner, submits that the matter is merely a case of a road accident which has been wrongly given a criminal colour by the investigating agency. It is contended that no material has been collected during the investigation to establish that the vehicle was being driven in a rash or negligent manner. Apart from establishing the identity of the driver, there is nothing on record to indicate that the essential ingredients of the alleged offences are made out.

Placing reliance upon a judgment reported at **(1998) 8 SCC 493 (State of Karnataka v. Satish)**, learned counsel submits that the mere fact that a vehicle was being driven at a high speed does not, by itself, establish rashness or negligence. It is argued that, in the absence of any material on record, no presumption of rashness or negligence can be drawn against the accused.

Mr. Subir Ganguly, learned advocate appearing for the State, on the other hand, submits that sufficient materials have been collected during the course of the investigation to substantiate the

prosecution case. It is submitted that there are eyewitnesses to the incident whose statements have been recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Accordingly, it is contended that the charge-sheet does not warrant interference.

This Court finds that the FIR lodged by the wife of the victim specifically alleges that the accident occurred as a consequence of the rash and negligent driving of the offending vehicle.

A perusal of the charge-sheet further reveals that there is more than one eyewitness to the incident, all of whom have been cited as prosecution witnesses. The charge-sheet also includes the injury report and other relevant medical documents.

An FIR or a charge-sheet cannot be quashed where materials have been collected during the investigation that connect the accused with the alleged offences.

While exercising jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, this Court cannot examine the adequacy, sufficiency, or probative value of the materials collected against the accused. At this stage, there is no scope for appreciation of evidence. The judgment relied upon by Mr. Mukherjee pertains to a case in which the accused was acquitted after a full-fledged trial. In that matter, the Supreme Court, upon an appreciation of the evidence adduced during the trial, upheld the order of acquittal passed by the High Court.

In the present case, only the charge-sheet has been filed and the trial has yet to commence. At this stage, it is impermissible for

the Court to evaluate the evidence or arrive at any conclusion regarding the guilt or innocence of the accused.

Accordingly, **CRR 4839 of 2025** stands dismissed.

It is, however, clarified that the dismissal of the present application shall not preclude the petitioner from raising all such points as may be available to him at the appropriate stage of the proceedings.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)