

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

02.07.2026
Item No. 37
Ct. No. 5
AN

C.R.R. 202 of 2026
(CRAN 1 of 2026)

In Re:- An application under Section 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naxalbari Police Station Case No. 140 of 2025 dated 17.08.2025 under Sections 109 / 115(2) / 117(2) / 126(2) / 3(5) / 303(2) / 324(4) / 324(5) of Bharatiya Nyaya Sanhita, 2023 corresponding to PTN Case No. 4235 of 2025 now pending before the learned Additional Chief Judicial Magistrate, Siliguri.

In the matter of : **Akash Saibya @ Saibo & ors.**
... Petitioner.

Mr. Hillol Saha Podder
... for the petitioner.

Mr. Avrojoyti Das, Id. APP
Mr. Sukumar Barman
Ms. Rajyashree Ghosh
...for the State.

Ms. Moushumi Das
Mr. Gopal Roy
...for de facto complainant

1. The petitioners are the accused persons in Naxalbari Police Station Case No. 140 of 2025 dated 17.08.2025 under Sections 109 / 115(2) / 117(2) / 126(2) / 3(5) / 303(2) / 324(4) / 324(5) of Bharatiya Nyaya Sanhita, 2023, now pending before the learned Additional Chief Judicial Magistrate, Siliguri.
2. According to the petitioner, the alleged incident arose due to a fight which broke up between two groups of people,

resulting into filing of case and counter case by both the parties.

3. It is further submitted that after sometimes, good sense prevailed amongst them and both of them have come forward to file CRAN 1 of 2026 in connection with the instant case, in which both of them asserted on affidavit not have any further allegations against each other.
4. The C.D. is produced from which the injury report is perused. Certain amount of injury are apparent. Be that as it may, the materials in the C.D. have also corroborated the submission made on behalf of the parties that due to misunderstanding they were suddenly engaged in a fight resulting into sufferance of injury by members of both the parties involved in the scuffling.
5. Considering all as above, this Court is of the opinion that the petitioners may not be sent up for trial any further as they do not bear any allegation any further against each other. Furthermore there is also admission on part of the present petitioner and the defacto-complainant to have taken part in the free fight resulting into filing of case and counter case. Therefore trial would be an abuse of process in the backdrop of the facts of the present case.
6. For the reasons, as discussed above, the instant criminal revision application is allowed directing quashing and setting aside of the Naxalbari Police Station Case No. 140 of 2025 dated 17.08.2025 under Sections 109 / 115(2) /

117(2) / 126(2) / 3(5) / 303(2) / 324(4) / 324(5) of Bharatiya Nyaya Sanhita, 2023 now pending before the learned Additional Chief Judicial Magistrate, Siliguri.

7. Accordingly, CRR 202 of 2026 stands **disposed of**.
8. Consequently, the connected application being CRAN 1 of 2026 also stands disposed of.

(Rai Chattopadhyay, J.)