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16.04.2026
Court. No.6
Sudipta

CRR/438/2025

**DR. KALYAN LAHIRI
VS
THE STATE OF BENG AND ANR.**

*Mr. Prasanta Joarder
Ms. Khusboo Agarwal
Ms. Esha Acharya*

...for the petitioner

Mr. Kumar Santanu

...for the OP No. 2

*Mr. Avijit Sarkar
Mr. Tapan Bhattacharjee*

...for the State

1. This is an application filed under Section 528 of B.N.S.S., 2023 praying for quashing the complaint case being C.R. Case No. 959 of 2023 under Sections 406/304A/120B of the Indian Penal Code.
2. The complaint case was filed alleging medical negligence on the part of the present petitioner. It was alleged that the father of the de-facto complainant expired while under treatment of the present petitioner result of medical negligence. Date of death was 09.06.2016. Complaint petition was filed before the Learned A.C.J.M., Siliguri which was registered as C.R. Case No. 959 of 2023

under Sections 406/304A/120B of the Indian Penal Code.

3. In terms of the order dated 25th August, 2023 the Learned A.C.J.M., Siliguri took cognizance of the matter and referred the matter to the Learned Judicial Magistrate, 4th Court for trial and disposal.
4. I have heard the rival submissions of the Learned Counsel for the petitioner, the Learned Counsel for the de-facto complainant and the Learned Counsel for the State.
5. On perusal of the impugned order, it appears that the complaint petition was filed after the period of limitation provided under Section 514 of B.N.S.S., 2023. The Learned A.C.J.M., while taking cognizance of the offence neither applied mind nor considered the point of limitation. Clearly, the application was time barred and taking cognizance is bad in law.
6. On hearing rival submissions and perusal of the materials on record and for reasons stated above, the instant application filed under Section 528 of B.N.S.S, 2023 is allowed; complaint case being

registered as C.R. Case No. 959 of 2023 filed before the Learned A.C.J.M, Siliguri and T.R. Case No. 671 of 2023 lying before the Learned Judicial Magistrate, 4th Court, Siliguri is hereby quashed.

7. Copy of this order may be communicated forthwith to the concerned Court.
8. Accordingly, the instant application is hereby disposed of.

(Sugato Majumdar, J.)