

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 450 of 2025

Sri Madhab Sarkar

Vs.

State of West Bengal & Anr.

For the petitioner : Mr. Sandip Mondal

Mr. Amit Saha

Ms. Poonam Kaur

For the State : Mr. A. S. Chakraborty

Mr. Ujjal Luksom

Heard on : 24/03/2026

Judgment on : 24/03/2026

Jay Sengupta, J.:- This is an application for quashing of proceeding in G.R Case No. 571 of 2021 pending before the learned Additional Chief Judicial Magistrate, Siliguri arising out of Naxalbari P.S Case No. 31 of 2021 dated 19/02/2021 in which the charge sheet has now been submitted under Sections 341/427/326/307/379/34 of the IPC.

Affidavit of service filed on behalf of the petitioner is taken on record.

It appears that the notice could not be served upon the de-facto complainant.

Learned counsel appearing for the petitioner submits as follows. The petitioner has been falsely implicated in this case. It is alleged that there were several assailants who attacked the toll plaza and damaged articles. However, only one victim was injured. Any further continuation of the impugned proceeding shall be an abuse of the process of Court.

Learned counsel appearing for the State opposes the prayer and relies on the materials available in the case diary including the statements of witnesses and the medical report. He also points to the statements of eye-witnesses present at the toll plaza at the relevant time as contained at pages 6, 7 and 8 of the case diary. All such independent witnesses have taken name of the petitioner specifically along with some others as the assailants.

Considering the above and the other materials available in the case diary, I do not find any merit in the application for quashing of proceeding.

Accordingly, the revisional application is dismissed. However, there shall be no order as to costs.

The petitioner shall be at liberty to take up all the points before the Trial Court at the relevant stage.

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

(Jay Sengupta, J.)