

Criminal RevisionPresent: **The Hon'ble Justice Ashim Kumar Roy**

Judgment on: 03.03.2010

C.R.R. No. 88 of 2010**Swarup Ghosh & Ors.
versus
Smt. Kananbala Ghosh & Anr.****Point:**

QUASHING: Sufficient materials to justify submission of the charge-sheet – Whether charge sheet be quashed- Code of Criminal Procedure, 1973 S.482.

Fact: The petitioners filed the instant Revisional application challenging the charge-sheet relating to the offences punishable under Sections 448/323/427/379/506/34 of the Indian Penal Code on the ground that the case is a counter blast to the case lodged by the petitioners against the

Held:

If sufficient materials to justify submission of the charge-sheet are found, it cannot be said that no case has been made out against the accused. (Paragraph – 4)

For Petitioners : Mr. Indranath Mukherjee
Mr. Anirban Deb

For State : Mr. Tirthankar Ghosh

The Court: The subject matter of challenge in this criminal revision is a charge-sheet relating to the offences punishable under Sections 448/323/427/379/506/34 of the Indian Penal Code.

2. The petitioners have sought for quashing of the charge-sheet on the following grounds;

(a) The impugned case is a counter blast to the case lodged by the petitioners against the complainant parties.

(b) The charge-sheet has been filed to harass and hackle the petitioners and to malign their social repute.

(c) The Investigating Officer of the case has submitted the charge-sheet in colourable exercise of power.

3. None of the grounds on which the petitioner attempted to sustain their prayer for quashing is tenable in law to justify quashing of a charge-sheet.

4. Besides that having gone through the evidentiary materials collected by the police during investigation, more particularly the statement of witnesses, viz., Bikash Ghosh, Nayan Chandra Ghosh, Nirmal Chandra Ghosh, Saila Ghosh, all of whom claimed to be eye-witnesses to the occurrence, I find there are sufficient materials to justify submission of the charge-sheet. It cannot be said that no case has been made out.

5. This criminal revision has no merit and, accordingly, stands dismissed.

6. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

(*Ashim Kumar Roy, J.*)