

**Criminal Revision**

Present: **The Hon'ble Justice Ashim Kumar Roy**

*C.R.R. No. 672 of 2010*

**Judgment On: 16-04-2010.**

*Amiya Kumar Pathak*  
*versus*  
*The State of West Bengal & Ors*

**POINTS:**

QUASHING-The petitioner is seeking for quashing of the charge on a disputed question of facts and his defence-whether can be taken into consideration- Code of Criminal Procedure, 1973 S.482

**FACTS:** Petitioner obtained a job in the post of Headmaster in Kharashgram Kalibala High School on the basis of forged and false experience Certificate. Now, it is contended on behalf of the petitioner that the Certificate which was seized from his possession was a genuine one but the Investigating Officer has replaced the same and produced another Certificate to falsely implicate in this case.

**HELD:**

The grounds on which the petitioner is seeking for quashing of the charge is a disputed question of facts and his defence and same cannot be gone into at this stage. Moreover, on the face of the allegations it cannot be said no case has been made out against him. Para-4

For Petitioner : Mr. Tapas Kumar Mondal

**THE COURT:**

1. Invoking Section 482 of the Code of Criminal Procedure, the petitioner has moved this Court for quashing of a charge under Sections 420/465/471/468 of the Indian Penal Code in connection with G.R. Case No. 151 of 2005 now pending before the Learned Additional Chief Judicial Magistrate, Kalna.
2. Heard the Learned Counsel appearing for the petitioner. Perused the materials on record.
3. It is the case of the prosecution that the present petitioner obtained a job in the post of Headmaster in Kharashgram Kalibala High School on the basis of forged and false experience Certificate. Now, it is contended on behalf of the petitioner that the Certificate which was seized from his possession was a genuine one but the Investigating Officer has replaced the same and produced another Certificate to falsely implicate in this case.
4. The grounds on which the petitioner is seeking for quashing of the charge is a disputed question of facts and his defence and same cannot be gone into at this stage. Moreover, on the face of the allegations it cannot be said no case has been made out against him.
5. This criminal revision has no merit and accordingly stands dismissed. Interim order, if any, stands vacated.
6. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgment to the parties, if applied for, as early as possible.

**( Ashim Kumar Roy, J. )**