

Criminal Revision
Present: The Hon'ble Justice Ashim Kumar Roy
Judgment On : 05-05-2010.
C.R.R. No. 461 of 2010
Jitu Mondal & Ors.
versus
The State of West Bengal

Points:

Quashing: Criminal case whether can be quashed if it cannot be said that the submission of the charge sheet is not at all justified- Code of Criminal Procedure, 1973 S.482

Facts:

The specific allegations have been made against each of the petitioners for participating in the commission of the alleged offences for which charge-sheet has been submitted. All the present petitioners under the influence of liquor and being armed with various deadly weapons assaulted the injured on his head for which he sustained bleeding injuries on his head and underwent treatment at Jalpaiguri Sadar Hospital for three days. The petitioner has moved this criminal revision for quashing of a charge-sheet relating to the offences punishable under Sections 341/326/506 of the Indian Penal Code.

Held:

Specific allegations have been made against each of the petitioners for participating in the commission of the alleged offences for which charge-sheet has been submitted. From the 161 statement of the victim, the injured that all the present petitioners under the influence of liquor and being armed with various deadly weapons assaulted the injured on his head for which he sustained bleeding injuries on his head and underwent treatment at Jalpaiguri Sadar Hospital for three days. In view of above, it cannot be said the submission of the charge-sheet is not at all justified. Para 3

For Petitioners : Mr. Himangshu De

Mr. Suman De

For State : Mrs. Pronoti Goswami

The Court

Invoking Section 482 of the Code of Criminal Procedure, the petitioner has moved this criminal revision for quashing of a charge-sheet relating to the offences punishable under Sections 341/326/506 of the Indian Penal Code.

2. Heard Mr. Himangshu De, the Senior Advocate appearing with Mr. Suman De for the petitioner and Mrs. Pronoti Goswami for the State.

Perused

the Case Diary containing the evidentiary materials on which the impugned charge-sheet has been submitted.

3. Now, having gone through the allegations made in the First Information Report as well as the statement of the witnesses recorded during the

course of investigation, I find the specific allegations have been made against

each of the petitioners for participating in the commission of the alleged offences

for which charge-sheet has been submitted. I find from the 161 statement of the

victim, the injured that all the present petitioners under the influence of liquor

and being armed with various deadly weapons assaulted the injured on his head

for which he sustained bleeding injuries on his head and underwent treatment at

Jalpaiguri Sadar Hospital for three days. In view of above, it cannot be said the

submission of the charge-sheet is not at all justified.

This criminal revision has no merit and accordingly stands dismissed. Interim order, if any, stands vacated.

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.*)