

(2020) 01 CAL CK 0291

In the Calcutta High Court

Case No : CRAN No. 845 Of 2018, 4145 Of 2019 In Criminal Revision (CRR) No. 289 Of 2018

Mala Majumder & Anr

APPELLANT

Vs

State Of West Bengal & Anr

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(i)(r), 3(i)(s)

Citation : (2020) 01 CAL CK 0291

Hon'ble Judges : Tirthankar Ghosh, J

Bench : Single Bench

Advocate : Uday Sankar Chattopadhyay, Suman Sankar Chatterjee, Santanu Maji, Payel Shome, Rajmohan Chatteraj, Divya Tiwary, Arijit Ganguly, Bitosak Banerjee

Final Decision : Disposed Of

Judgement

Tirthankar Ghosh, J

The application being CRAN 845 of 2018 is treated as on dayâ??s list.

The revisional application has been preferred for quashing the proceeding being SPL Case No. 11 of 2017 arising out of Gariahat Police Station Case

No. 26 of 2017 dated 17.02.2017 under Sections 341/323/34 of the Indian Penal Code and Section 3(i)(r), 3(i)(s) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned advocate for the petitioners submits that the allegations made in the FIR as also the charge sheet do not constitute any offence under the

provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. To that effect the learned advocate for the

petitioners draws the attention of this court to the relevant paragraphs.

I have perused the FIR as well as the charge sheet and I am of the opinion that prima facie a case has been made out under the Scheduled Castes and

the Scheduled Tribes (Prevention of Atrocities) Act, 1989. As such no interference is called for by this court at this stage when the petitioners have

not been able to make out a case on the basis of the documents collected by the Investigating Agency as the petitioners are yet to appear before the

concerned court.

I find from the records of the case that warrant of arrest was issued against the petitioners on 09.09.19 and the same was reiterated by the order

dated 28.11.19. The next date is fixed on 11.02.2020. The execution of warrant of arrest so issued be stayed till 11.02.2020 and if the petitioners

surrender before the learned court below, their application for bail should be considered in the background of the facts that the investigation of the

case has already been completed.

The petitioners would be at liberty to canvass the points agitated in the revisional application at the appropriate stage of the case.

With the aforesaid observations CRAN 4145 of 2019 and CRAN 845 of 2018 and CRR 289 of 2018 are disposed of.