

(2026) 08 CAL CK 2998
In the Calcutta High Court
Case No : CRR No. 954 of 2025

Soumendra Nath Dutta

APPELLANT

Vs

The State Of West Bengal & Anr.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Code of Criminal Procedure — Section 245(2), 161, 482
Constitution of India — Article 226

Citation : (2026) 08 CAL CK 2998

Hon'ble Judges : Suvra Ghosh, J

Bench : Single Bench

Advocate : Md. Sabir Ahmed, Md. Abdur Rakib, Mr. Biswajit Sarkar, Md. Mojahid Mahedi, Mr. Dhiman Banerjee, Mr. Krishnendu Bhattacharya, Ms. Rima Banerjee

Final Decision : Allowed

Judgement

SUVRA GHOSH, J. :-

1. The petitioner has prayed for quashing of the proceeding being G.R Case No. 1110 of 2007 corresponding to Nabagram Police Station Case No. 120 of 2007 dated 8thOctober, 2007 on the ground that he has been falsely implicated and has no nexus with the alleged offence.

2. Learned counsel for the petitioner has submitted that a dispute arose in the locality of the petitioner as well as village Dangapara over the issue of distribution of items by the ration dealers wherein the local villagers agitated the issue. On 8thOctober, 2007 a huge congregation of local villagers gathered in front of the fair price shops and conducted an agitation for which a suo motu complaint was lodged at Nabagram Police Station and investigation was initiated against 32 local villagers including the petitioner. On the same day, a complaint was lodged by one Kalimuddin Mondal on the same cause of action before Nabagram Police Station against 42 persons. The petitioner was not named therein. Separate investigations were conducted and charge-sheets submitted upon completion of investigation. No role of the petitioner surfaced during

investigation.

3. The petitioner filed an application under Section 245(2) of the Code of Criminal Procedure before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad which was turned down by the learned Magistrate by an order passed on 25th July, 2024. The said order was assailed by the petitioner before this court in a revisional application being C.R.R. 3919 of 2024 wherein a report was submitted by the Police Authority indicating that the petitioner's name was not reflected in the statement recorded under Section 161 of the Code of Criminal Procedure and other material in the case diary. The revisional application was withdrawn by the petitioner.

4. The case is pending from 2007 and charge is yet to be framed. The petitioner has appeared in several examinations conducted by the Public Service Commission, West Bengal and qualified in the same. His selection is not being considered due to pendency of the proceeding against him. He is about 39 years of age at present and about to cross the upper age limit for such appointment.

5. I have considered the contention of the parties as well as material on record.

6. It is a fact that the petitioner is named in the complaint as well as charge-sheet in connection with G.R Case no. 1110 of 2007 arising out of Nabagram Police Station Case no. 120 of 2007 dated 8th October, 2007. Investigation of the case is complete. Trial is yet to commence. No incriminating material has transpired against the petitioner in course of investigation. In fact, the report submitted by the State clearly demonstrates that involvement of the petitioner in the alleged offence has not been found. He has not been named by any witness as a participant of the agitation. Despite the same, he has been suffering from mental agony and anxiety from 2007 due to pendency of the proceeding.

7. In the authority in State of Haryana and Others Vs. CH. Bhajan Lal and Others reported in 1992 SCC (Cri) 426, the Hon'ble Supreme Court has laid down certain categories of cases by way of illustration wherein power under Section 482 of the Code of Criminal Procedure or Article 226 of the Constitution of India can be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. The 3rd category speaks of a situation where the uncontroverted allegations made in the F.I.R or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused. In view of the fact that the complaint or evidence /material herein does not disclose commission of the offence as alleged against the petitioner, allowing the proceeding to continue against him shall amount to abuse of the process of the court.

8. Accordingly, the revisional application is allowed.

9. The proceeding being G.R Case No. 1110 of 2007 arising out of Nabagram Police Station Case No. 120 of 2007 pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad is quashed in so far as the petitioner is

concerned.

10. The petitioner be set at liberty at once and discharged from his bail bond.

11. However, the proceeding shall continue against other accused persons.

12. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.