

22.05.2026  
25.  
Bd.  
Ct. 29

**CRR 1728 of 2026**

**Riju Banerjee @ Mayukh**

**Vs.**

**State of West Bengal & Anr.**

**Mr. Sanjib Kumar Mukhopadhyay  
Ms. Nargish Parveen ... for the petitioner.**

Leave to correct the name of the court is granted.

The petitioner herein has assailed the criminal proceeding being GR Case No. 1210 of 2025 presently pending before learned First Judicial Magistrate, Barrackpore.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that the instant criminal proceeding is maliciously instituted at the instance of the defacto-complainant/opposite party no. 2 by influencing the police administration with an ulterior motive of wrecking vengeance against the petitioner. He further submits that injury report clearly discloses that the nature of injury is simple and therefore the allegation of causing grievous hurt by the petitioner is baseless. During investigation, the investigating officer did not examine all the independent witnesses who were present in place of alleged occurrence at the relevant point of time. Furthermore, the charge-sheet states that the alleged victim lady refused to record her statement supporting her imputation before the learned Judicial Magistrate, which raises serious doubt about the genuineness of the

allegation. The investigating agency seized one pen drive, which allegedly contain footage of the incident but no certificate under section 63(4) of the BSA in support has been collected, which is the basic pre-requisite regarding admissibility of such electronic evidence. Therefore, further continuance of the impugned proceeding against the present petitioner, who is a final year student of B.Tech course would be a mere abuse of the process of the court.

Having heard learned counsel for the petitioner, the application stands admitted.

Petitioner is directed to serve a copy of application upon the State through the office of the Public Prosecutor, High Court Calcutta and upon the opposite party no. 2 through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed under the same heading on 19<sup>th</sup> June, 2026.

**(Dr. Ajoy Kumar Mukherjee, J.)**