

25.11.2025
Court No.29
D.L.21
(pp)

CRR 2182 of 2025

Basona Kayal @ Basona Koyal & Anr.
Vs.
The State of West Bengal & Anr.

Ms. Sananda Bhattacharyya

...for the Petitioners.

Leave to add the defacto complainant in the cause title of the application is granted.

The petitioners herein challenged the impugned proceeding, being G.R. Case No.2673 of 2019 presently pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

The allegation levelled in the FIR inter alia to the effect that on November 18, 2019 at about 12.00 hours one Tarun Das along with the petitioners and other co-accused persons attacked the house of the opposite party no.2 with iron rod, pistol, bamboo stick and bomb and when the opposite party no.2/complainant tried to restrain them, said Tarun Das forcefully tried to take off her cloth and they also assaulted the son of the opposite party no.2. Further allegation in the FIR is that the petitioners along with other co-accused hurled bomb and used filthy language and thereafter all of them forcefully snatched Rs.2,00,000/-, gold ornaments and thereafter they hurled bomb upon the family members of the opposite party no.2 and fled away from the spot.

After completion of investigation charge sheet has already been submitted.

Being aggrieved by the impugned proceeding, learned counsel for the petitioners submits that both the petitioners are school teachers and it reveals from the attendance register that the petitioner no.1 on the alleged date and time of occurrence was present in the school and the petitioner no.2 was on maternity leave from 19th July, 2019 to 13th January, 2020.

Accordingly, it is submitted that the allegation of hurling bombs by the petitioners who are working lady and were not at the place of occurrence is baseless. Moreover, the allegation levelled against the petitioners is omnibus in nature and no specific role has been attributed against each of the petitioners in the FIR. Therefore, further continuance of the instant proceeding against the present petitioners will be a mere abuse of process of Court. Accordingly, the petitioners pray for quashing the impugned proceeding.

Having heard learned counsel for the petitioners, the application is admitted.

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

Let the matter appear in the Monthly list of February, 2026 under the heading **“Contested Application”**.

Learned counsel for the petitioners also prays for interim stay of the impugned proceeding.

Having heard learned counsel for the petitioners, let the impugned proceeding being G.R. Case No. 2673 of 2019,

presently pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah is hereby stayed for a period of twelve weeks or until further order, whichever is earlier qua the petitioners namely, **Basona Kayal @ Basona Koyal** and **Sadhana Kayal @ Sadhana Koyal**.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)