

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
CRIMINAL REVISIONAL JURISDICTION**

09.04.2024  
Court No.3  
Item No.7  
Ali

**CRR 98 of 2024**

In Re: An application under Section 482 of the Code of Criminal  
Procedure, 1973;

And

In the matter of: **Sri Dhiraj Ghosh**

. . . . .**Petitioner.**

Ms. Durga Dutta, Adv,  
Mr. Priyanshu Upadhyay, Adv.,  
Mr. Anujit Mookherjee, Adv.,  
Mr. Bapi Sarkar, Adv.,  
Mr. Pradeep Yadev, Adv.,  
Mr. Rashi Verma, Adv.,  
Mr. Chayan Mou Bhowal, Adv.

... for the petitioner.

Mr. Sabyasachi Banerjee, Adv.  
Mr. A. Das, Adv.,  
Ms. A.D. Chowdhury, Adv.,  
Mr. Rajdeep Das, Adv.

...for the opposite party No. 2.

Mr. Aditi Shankar Chakraborty, Adv.,  
Mr. Aniruddha Biswas, Adv.

....for the State.

This is an application under Section 482 of the Code of Criminal Procedure filed for quashing of G.R. Case No. 3121/22 arising out of FIR No. 770/2022 dated 08.07.2022 registered at Matigara Police Station under Sections 341/323/506 of the India Penal Code presently pending before the learned Additional Chief Judicial Magistrate at Siliguri, Darjeeling.

The learned advocate for the petitioner submits that the allegation in the FIR is false and concocted. The alleged offence committed under Section 341/323/506 of IPC has not been committed by the present petitioner but the present petitioner was booked under the said police case maliciously. He submits that there are substances in the criminal revisional application thus the revisional application required to be admitted and necessary order of stay of further proceeding of G.R. Case has to be passed.

Learned advocate Mr. Biswas, appearing on behalf of the State produce the CD and submits that the police has took up the investigation of this case and after completion of the investigation police has submitted the charge-sheet. The charge-sheet of the police contains the statement of available witnesses/eye witnesses who were present at the P.O. He further submits that the other material i.e. the CCTV footage etc. substantiate the prima-facie offence against the present petitioner.

Learned advocate appearing on behalf of the opposite party No. 2 Mr. Banerjee, submits that the instant criminal revision cannot be entertained as the charge-sheet has not been challenged.

In reply, learned advocate for the petitioner argued that the entire GR has been challenged, so, it is not necessary by this petitioner to challenge the charge-sheet separately.

Having heard the learned advocate for the parties and after perusing the CD also after perusing the petitioner's prayer therein, it appears to me that the present petition demonstrates an arguable case in this CRR and thus, the same be admitted.

Learned advocate is directed to serve the copy of petition along with annexure thereof to the opposite parties and file an affidavit of service on the returnable date.

Let the matter appear in the list in the ensuing Circuit Bench for the month of June, 2024.

**(Subhendu Samanta, J.)**