

**CRIMINAL REVISION**

Present: **The Hon'ble Justice Ashim Kumar Roy**

***C.R.R. No. 658 of 2010***

**Judgment On: 31-03-2010.**

***Sk. Manoar Ali***

***versus***

***State of West Bengal***

**POINTS:**

QUASHING-Grounds for quashing are pure question of fact and essentially is his defence-From the complaint it cannot be said no offence has been made out- Whether the proceeding should be quashed-Indian Penal Code, S. 193/203 -Code of Criminal Procedure, 1973, S.482.

**FACTS:**

The Petitioner is an illiterate person and on being asked by the police, put his signature on a blank sheet of paper and thereafter the complaint was drawn by the police and same was never read over or explained to him.

The petitioner has moved this criminal revision for quashing of a criminal case instituted on a complaint under Sections 193/203 of the Indian Penal Code.

**HELD:**

The grounds on which the petitioner is seeking quashing of the aforesaid complaint are pure question of facts and essentially is his defence and same cannot be gone into at this stage. On a bare reading of the said complaint, it cannot be said that no offence has been made out for which the petitioner is now being prosecuted. Paras- 4&5

For Petitioner: Md. Ibrahim

Mr. Arnab Kumar Bera

**THE COURT:**

1. Invoking inherent jurisdiction of this Court, the petitioner has moved this criminal revision for quashing of a criminal case instituted on a complaint under Sections 193/203 of the Indian Penal Code, now pending before the Learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

2. Heard the learned advocate appearing on behalf of the petitioner. Perused the materials on record.

3. The only ground that has been urged for quashing of this complaint is this that the petitioner is absolutely innocent. It is further claimed that he is an illiterate person and on being asked by the police, put his signature on a blank sheet of paper and thereafter the complaint was drawn by the police and same was never read over or explained to him.

4. I have given my anxious and thoughtful consideration to the submissions made on behalf of the petitioner. I find that the ground on which the petitioner is seeking quashing of the aforesaid complaint are pure question of facts and essentially is his defence and same cannot be gone into at this stage.

5. I have carefully gone through the complaint and I am of the further opinion on a bare reading of the said complaint, it cannot be said that no offence has been made out for which the petitioner is now being prosecuted.

6. This criminal revision has no merit and, accordingly, stands dismissed. Interim order, if any, stands vacated.

7. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgment to the parties, if applied for, as early as possible.

**( Ashim Kumar Roy, J. )**