

15.07.2026
Court No.42
Item No. 26
D.Hira

CRR 3404 of 2017
With
CRAN 1 of 2017 (Old No. 4408 of 2017)

In the matter of :- **Rakesh Singh**

1. When this matter is called on for hearing, none appears on behalf of the petitioner or the private opposite party no. 2. No accommodation or prayer for adjournment has been sought from either side.
2. This criminal revisional application has been languishing on the files of this Court since the year 2017. The records demonstrate that the parties have been given ample opportunities over nearly a decade to appear and agitate their respective claims. The stark absence and continuous reluctance from the ends of the parties represent a complete expiration of interest to actively proceed with this litigation.
3. Constitutional courts cannot permit ancient revisional applications to remain indefinitely dormant, clogging the judicial system, when the litigants themselves choose to abandon the cause. Consequently, this Court is not inclined to adjourn the matter any further and takes up the revisional application for final disposal on the merits of the case, strictly on the basis of the materials available on record.
4. This application under Section 482 of the Code of Criminal

Procedure, 1973, has been preferred by the petitioner, Rakesh Singh, seeking the quashing of the criminal proceedings in G.R.(S) Case No. 1592 of 2017, arising out of **Shakespeare Sarani Police Station Case No. 283 dated 11.09.2017**, under Section 387 of the Indian Penal Code, 1860, and Section 27 of the Arms Act, 1959, currently pending before the Court of the Learned Chief Metropolitan Magistrate, Calcutta.

5. The criminal machinery was set in motion by a written letter of complaint lodged by the opposite party no. 2, Gopal Agarwal. The complainant runs a steel industry business under the name and style of *M/s Shree Padmawati Metaliks Private Limited* with a plant located at Kalyaneswari, Burdwan.
6. The genesis of the complaint indicates that the complainant had routine business dealings with certain Howrah-based brokers for the supply of scrap materials. However, since November 2015, one Sk. Golam Murtaza of Burdwan began aggressively visiting the complainant's house at 8, Moira Street, demanding extortion money under the false pretext of outstanding dues.
7. The situation escalated dramatically on the morning of 09.09.2017 at around 11:00 hours, when the petitioner, Rakesh Singh, described as a notorious local element, arrived at the complainant's residence accompanied by his associates. The complaint categorically details that the petitioner put a firearm to the complainant's head, demanded a sum of ₹10,00,000/- (Rupees Ten Lakhs), and physically assaulted him by slapping him and pinning him to the floor. The petitioner further issued

threats to kidnap the complainant's child if the extortion money was not delivered on behalf of himself and Sk. Golam Murtaza, before ransacking the premises and fleeing.

8. A perusal of the revisional petition reveals that the petitioner seeks to assail the criminal proceedings on the following grounds:

The petitioner claims to be a popular social worker and political leader associated with the Indian National Congress. He contends that the local police administration, in collusion with private individuals, fabricated this case out of sheer political vendetta and malice following previous public agitations led by the petitioner against a local medical institution.

The petitioner asserts that he was physically out of the State of West Bengal from 05.09.2017 to 23.09.2017, rendering his presence at the place of occurrence on 09.09.2017 impossible. He purports to rely on certain documents of "sterling quality" to substantiate this alibi.

It is contended that because no money was actually handed over by the complainant, the essential statutory ingredients for an offence under Section 387 of the IPC are absent.

9. In exercising inherent jurisdiction under Section 482 of the CrPC to quash a criminal proceeding at its inception, this Court must primarily look to the text of the First Information Report and the initial materials on record. The law is well-settled that if the uncontroverted allegations in the FIR *prima facie* disclose the commission of a cognizable offence, the High Court will not step

in to stifle a legitimate investigation or trial.

10. A review of the letter of complaint reveals that specific, explicit, and highly incriminating roles have been attributed to the petitioner. The narration details the brandishing of a firearm, the active demand for ₹10,00,000/- under fear of death, and physical battery. These assertions directly satisfy the primary statutory ingredients required under Section 387 of the IPC (putting a person in fear of death or of grievous hurt, in order to commit extortion) and Section 27 of the Arms Act. The fact that the money was not successfully extorted does not dissolve the criminality of putting a person in fear to attempt extortion.
11. With respect to the petitioner's plea of alibi and his claim of political victimization, these constitute defensive materials of a factual nature. It is an established principle of law that a plea of alibi cannot be adjudicated upon by a High Court in a summary proceeding under Section 482 of the Code. Such an exercise requires a detailed evaluation of cross-examined evidence, which falls squarely within the domain of the trial court.
12. The orders passed by the Learned Chief Metropolitan Magistrate, Calcutta, taking cognizance and proceeding with the matter do not suffer from any foundational defect, jurisdictional error, or manifest perversity. The record reveals a legitimate *prima facie* case that requires a comprehensive trial. There is absolutely no ground to conclude that the continuation of the impugned proceedings amounts to an abuse of the process of Court.
13. For the reasons discussed above, I am not convinced that this is a

fit case to invoke the extraordinary inherent powers of this Court to quash the criminal proceedings.

14. The revisional application, being **C.R.R. No. 3404 of 2017**, stands **dismissed**.
15. The connected application, being **CRAN 1 of 2017 (Old No. CRAN 4408 of 2017)**, is accordingly **disposed of**.
16. The interim order, if any, stands **vacated**.
17. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)