

16.12.2020
Item no.2
Ct.42
PG

CRR 4056 of 2011

Rooplata Manik Chand Jain
Vs.
The State of West Bengal & Anr.

Mr. Kushal Kumar Mukherjee.....for the petitioner

Mr. Saswata Gopal Mukherjee
Mr. Ranabir Roy Chowdhury
Mr. Mainak Guptafor the State

The learned advocate for the petitioner submits that the present revisional application was preferred challenging the investigation relating to Bidhannagar North Police Station Case No.259 of 2011 dated 23.09.2011. The learned advocate submits that on hearing the revisional application a coordinate Bench of this Court was pleased to pass an order dated 22.12.2011 directing the investigation to continue but granted liberty to the State to file the final report only after obtaining leave of the Court.

Mr. Mukherjee, learned Public Prosecutor appearing with Mr. Ranabir Roy Chowdhury submits that the investigation of the case is complete and the report under Section 173(5) of the Code of Criminal Procedure cannot be filed before the jurisdictional Court as the order dated 22.12.2011 is an impediment.

In view of the changed circumstances and the police authorities coming to an opinion regarding *prima facie* offence

being made out, I am of the view that the police authorities must be afforded such opportunity.

Accordingly, the interim order passed on 22.12.2011 is hereby vacated. The police authorities are directed to proceed for filing the report under Section 173(5) of the Code of Criminal Procedure before the jurisdictional Court. In view of the fact that the investigation already culminated into a charge sheet, I am of the opinion that the pendency of the present proceedings are unwarranted before this Court.

The petitioner is granted liberty to agitate the points canvassed in the revisional application at the appropriate stage of the proceedings before the learned Court below.

Accordingly, the revisional application being C.R.R. 4056 of 2011 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Tirthankar Ghosh, J.)