

07.12.2020

Item No.2
Ct.No.42
dc.

C.R.R. 1634 of 2020

**Jibrail Ansari @ Md. Jibrail Ansari
@ Jubril Ansari @ Pappu
versus
The State of West Bengal & Anr.**

Mr. Dipayan Kundu,
Mr. Arunava Ganguly ... For the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas ... For the State.

The learned advocate for the petitioner is present.

The learned advocate for the petitioner submits that the instant case was initiated as a counterblast to the civil disputes which were pending between the parties and to dilute the same. The learned advocate further submits that the present case has got no legs to stand and the present petitioner is unnecessarily harassed at the instance of an application under Section 156(3) of the Code of Criminal Procedure initiated by the opposite party no.2.

I find from the records of the case that pursuant to the application filed under Section 156(3) of the Code of Criminal Procedure, the investigating authorities have commenced the investigation and the case has already been registered by Bhadreswar Police Station.

In view of the aforesaid, I have perused the application filed under Section 156(3) of the Code of Criminal Procedure and on an assessment, I have found that prima facie a case

has been made out by the opposite party no.2 for investigation.

Mr. Hossain, learned advocate appearing for the State opposes any interference by this Court.

I have taken into account the issues canvassed by the learned advocate for the petitioner which are question of facts and cannot be gone into by this Court at this stage. In view of the law settled by the Hon'ble Apex Court in **State of Haryana & Ors. Vs. Ch. Bhajan Lal & Ors.** reported in **AIR 1992 SC 604**, I find that none of the parameters have been covered by the petitioner and as such, no interference is called for. The revisional application is, thus, dismissed.

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.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)