

**02.09.2021**  
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Ct.34

**CRR 396 of 2019**

**(Via Video Conference)**

**In the matter of : Ram Krishna Roy & Anr.**  
**....Petitioners**

Mr. Anirban Mitra  
Mr. Souvik Guha  
Mr. Amit Halder

...for the petitioners

Mr. Ranabir Roychowdhury  
Mr. Mainak Gupta  
..for the State

Mr. Mitra, learned advocate appearing for the petitioner submits that DRI Authorities have implicated them in the instant case after they were unable to impose penalty in the adjudication proceedings. Mr. Mitra further submits that there has been specific observation and finding of the adjudication authorities regarding the documents being placed before them and the same being ratified by the authorities and thereafter conclusion was arrived at exonerating the petitioners from any case being made out against them. So far as the proceedings are concerned at any point of time before the adjudicating authority or before the appellate authority there was no issue regarding the authenticity of the documents which were placed by the

petitioner. According to the learned advocate the present case has been instituted with ulterior motive for wrecking vengeance on the petitioners by the DRI authorities once they have failed to implicate them in the case which were subject matter of their investigation.

Mr. Roychowdhury, learned advocate appearing for the State has submitted that the investigation of the case has been concluded and charge sheet has already been filed before the jurisdictional Court. Proceeding of the present case is pending before the Metropolitan Magistrate, 4<sup>th</sup> Court, Calcutta and stage of the case is for supply of the copies.

Taking into account the present stage of the case and the fact that the documents on which the prosecution intends to rely are yet to be supplied to the petitioner, I am of the view that this Court cannot restrict itself solely on the order passed by the adjudicating authority and the appellate authority but also has to go through the materials relied upon by the prosecution in the revisional application. In the instant case the consideration of the revisional application would be premature in view of the report under Section 173 of the Code of Criminal Procedure being filed before the learned Magistrate. As such, no interference is called for at this stage. The petitioner would be at

liberty to agitate the points canvassed in the revisional application before the learned Magistrate. At this stage under Sections 239/240 of the Code of Criminal Procedure the learned Magistrate would independently consider the case on merits without being swayed by any observation made by this Court. Learned Magistrate will take all efforts to overcome the stage of consideration within a period of three months from date of communication of this order.

With the aforesaid observations CRR 396 of 2019 is disposed of. Pending application, if any, is also disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties on usual undertakings.

**(Tirthankar Ghosh, J.)**