

04.08.2021

Item no.25

Ct. No.34

CHC

C.R.R. No.591 of 2018

(Via Video Conference)

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Nayeem Hossain

@ Naim Hossain & ors.

... petitioners

Mr. Ranadeb Sengupta

...for the petitioners

Mr. Imran Ali,

Mr. Narayan Prasad Agarwal,

Mrs. Debjani Sahu

...for the State

Md. Sabir Ahmed,

Mr. Mujibar Ali Naskar,

Mr. Sharman Sarkar,

...for the opposite party no.2

Mr. Sengupta, learned advocate appearing for the petitioners at the inception submits that the opposite party no.2 preferred an application under Section 173(8) of the Code of Criminal Procedure, which during the pendency of the present revisional application has been allowed by the learned Magistrate.

Presumably, the investigating agency has started acting on the order passed by the learned Magistrate so far as further investigation is concerned.

The subject-matter of the present revisional application relates to questioning of the proceedings relating to Arambagh

Police Station Case No.38 of 2017 dated 09.01.2017. Without going into the further merits of the case, it would be unwise to interfere with the proceedings at this stage when the investigating agency is acting on the order passed by the learned Magistrate so far as further investigation is concerned.

In view of the aforesaid, it would not be worth to keep the revisional application pending at this stage before this Court for consideration as the same will send a different message to the investigating agency. However, petitioners would be at liberty to challenge the chargesheet along with the supplementary chargesheet (if so advised) and canvass the points agitated in the present revisional application at a subsequent stage when such a report in final form is filed before the learned Magistrate pursuant to the order passed in the application under Section 173(8) of the Code of Criminal Procedure.

The petitioners are also granted liberty to inform the points canvassed in this revisional application before the investigating agency of the case, if so advised.

With the aforesaid observations, C.R.R.591 of 2018 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)