

Item No.3
Ct.No.34
dc.

C.R.R. 1228 of 2012
(Via Video Conference)

In Re: An Application under Sections 397, 401 read with Section 482 of the Code of Criminal Procedure, 1973.

The present revisional application was preferred against the order dated 27.12.2011 passed in connection with Regent Park P.S. Case No. 136 of 2010 dated 08.06.2010 (corresponding to BGR Case No. 2990 of 2010) under Sections 448/427/379/188/34 of the Indian Penal Code.

The main grievance of the petitioner was in respect of the discharge of some of the accused persons, which was accepted by the learned Magistrate and rejection of the application under Section 173(8) of the Code of Criminal Procedure filed at the instance of the *de facto* complainant. The subject matter of challenge is in respect of an order dated 27.12.2011.

I have perused the order so passed by the learned Magistrate. Although the reasons, so assigned by the learned Magistrate, are not in consonance with the established principles of law, but having regard to the time, which has elapsed in the meantime, I am of the view that any further

direction in respect of investigation may prejudice the parties and obviously the present stage of the proceedings before the learned Magistrate. Having regard to this fact, I am of the view that in case the proceedings are pending and if the evidence surfaces against the accused persons, who have been discharged from the case, the learned Magistrate will be at liberty to add the discharged accused persons under Section 319 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 1228 of 2012 is disposed of.

Interim order, if any, is hereby vacated.

All pending applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)