

04.01.2021
Sl. No.66
akd

C. R. R. 777 of 2014

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure in connection with Behala Police Station Case No. 431 of 2013 under Sections 420/406/120B of the Indian Penal Code. (Complaint Case No. A.C.1144 of 2013)

[Debnath Mukherjee vs. State of West Bengal & Anr.]

Mr. Arindam Jana
Mr. Prasanta Chakraborty
Mr. Soumajit Chatterjee
... .. for the petitioner

Mr. Neelesh Choudhury
... .. for the de-facto complainant

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
... .. for the State

The petitioner is aggrieved by the continuance of the Behala Police Station Case No.431 of 2013 under Sections 420/406/120B of the Indian Penal Code.

Mr. Arindam Jana, learned advocate appearing for the petitioner strenuously argued regarding the allegations made in the application under Section 156(3) of the Code of Criminal Procedure which is the basis of the registration of the FIR. According to the learned advocate, the allegations, even if taken to be true, makes out a dispute for which remedy would lie before the civil court and no case for investigation has been made out.

Mr. Ranabir Roy Chowdhury, learned advocate appearing for the State opposes the contentions and submits that the interim order so passed on 7th April, 2014 is an impediment for the police authorities to progress with the case and as such although the investigation commenced but the same could not proceed smoothly.

Mr. Neelesh Choudhury, learned advocate appearing for the de-facto complainant is present.

I have perused the allegations made in the application under Section 156(3) of the Code of Criminal Procedure wherein the crux of the allegations relate to acceptance of money and thereafter selling of a property which was committed to be handed over to a different set of persons. In view of the genuinity of the facts which are questioned by the learned advocate appearing for the petitioner, I am of the opinion that this court while exercising its jurisdiction under Section 482 will not conduct any enquiry and the police authorities are empowered to unearth the truth associated with the allegations. As such, no interference is called for at this stage when the investigation of the case is under progress.

Accordingly, the revisional application is dismissed.

Interim order, if any, is vacated.

The investigating authorities are directed to continue with the investigation of the case and conclude the same within a reasonable period of time.

Liberty is granted to the petitioner to raise the issues canvassed in the revisional application at the appropriate stage of the proceeding.

With the aforesaid observations, CRR 777 of 2014 is disposed of.

Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Tirthankar Ghosh, J.)