

23.07.2021

Item no.4

Ct. No.34

CHC

**C.R.R. No.1455 of 2019**  
**IA NO: CRAN/1/2019 (Old No: CRAN/4047/2019)**

**(Via Video Conference)**

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

AND

In the matter of:-

Tapas Kumar Bera & anr.  
... petitioners

Mr. Sujit Kr. Rath,  
Mr. Tanmoy Chowdhury  
...for the petitioners

Mr. Saswata Gopal Mukherji, Ld. P.P.  
Mr. Saryati Datta  
...for the State

Mr. Ashis Kumar Chowdhury,  
Ms. Sanjukta Das,  
Ms. Deborupa Mukherjee  
...for the opposite party no.2

Mr. Chowdhury, learned advocate appearing for the petitioners submits that the present proceedings arising out of Contai Police Station Case No.79 of 2018, dated 06.03.2018 under Sections 419/420/467/468/471 of the Indian Penal Code was initiated out of private and personal grudge and with an ulterior motive for wrecking vengeance upon the present petitioners.

Learned advocate for the petitioners draws the attention of this Court to the order passed in C.R.M.9426 of 2018 and

emphasizes that the allegations as a whole fails to make out a case, so far as the present petitioners are concerned.

Mr. Datta, learned advocate appearing for the State opposes such contention and submits that the investigation of the case is under progress and the police authorities are presently collecting evidence for unearthing materials for arriving at a proper conclusion.

Learned advocate, Mr. Ashis Kumar Chowdhury appearing for the opposite party no.2 vehemently opposes the contentions advanced by the learned advocate for the petitioners.

I have considered the submissions of the rival parties and on assessment of the materials so available in the Case Diary as also the order passed by a Division Bench of this Hon'ble Court by exercising its jurisdiction under Section 438 of the Code of Criminal Procedure, is of the view that while exercising jurisdiction under Section 482 of the Code of Criminal Procedure regarding the continuance of the proceedings the parameters are completely different and this Court is not entitled to assess regarding the truth or falsity of the allegations so made in the complaint. The petitioners may have a good case subsequently after the report under Section 173 of the Code of Criminal Procedure is filed by the investigating agency. At this stage, no interference is called for.

The petitioners will be at liberty to agitate the points canvassed in the revisional application at the appropriate stage of the proceedings.

With the aforesaid observations, C.R.R.1455 of 2019 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.)**