

Sr. 14
09-06-2021
Subha
ct, no.34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 2266 of 2000

In Re : **Sri Kartick Chandra Mula** **petitioner.**

In the matter of : An application under Sections 401 and 482
of the Code of Criminal Procedure.

Mr. Apalak Basu

.....for the petitioner.

Mr. Arijit Ganguly,
Mr. Arindam Sen

....for the State.

The present revisional application was preferred in the year 2000 wherein the petitioner expressed his grievance in respect of an order dated 09.06.1999 passed by the learned Additional Chief Judicial Magistrate, Tamluk.

The brief set of events which led the petitioner to approach this court is the act and actions of the Officer-in-Charge of the Kolaghat Police Station who after receiving the application filed under Section 156(3) of the Code of Criminal Procedure refused to register the F. I. R and/or investigate the case in its true perspective. The nature of the allegation

according to the petitioner was amongst others under Sections 147/447/506/436 of the Indian Penal Code.

The order-sheets of the learned court below reflect that for a considerable period of time the Officer-in-Charge of the Kolaghat Police Station did not register the F. I. R and submitted a cryptic report before the court in the year 1999 when the case was dropped. Records of the case also reflect that for about 30 dates (4 years) the Officer-in-Charge was directed to appear before the court and he evaded the same and finally submitted a report.

Mr. Apalak Basu, learned advocate appearing for the petitioner submits that in spite of the direction under Section 156(3) of the Code of Criminal Procedure, the Officer-in-Charge refused to register any F.I.R which he was bound under the law to do and purposefully and intentionally took the plea of not receiving the F. I. R or the same was received by a constable which was not brought to his notice.

Learned advocate for the petitioner further submits that the petitioner has immensely suffered as his property was set up on fire by some of the accused persons and the act and conduct of the police authorities reflect that allegedly they were hand in gloves with each other.

Mr. Arijit Ganguly, learned advocate for the State along with his junior Sri Arindam Sen, learned advocate opposes the prayer of the petitioner but, however, he is

unable to satisfy the court regarding the conduct of the then Officer-in-Charge of Kolghat Police Station. A perusal of the revisional application reflect that the incident is of the year 1993 i.e., more than 27 years from date. At this stage, it would be futile to direct the concerned Officer-in-Charge to investigate into the allegations made in the application under Section 156(3) of the Code of Criminal Procedure.

Having regard to the conduct of the Officer-in-Charge, Kolaghat Police Station, I am of the view that the ends of justice would be served if the petitioner takes out an application before the District Magistrate, Purba Medinipore expressing the loss suffered by him because of the act of the police authorities. In case the District Magistrate, Purba Medinipore feels that there are sufficient materials which, prima facie, reflect that the petitioner has suffered because of the act of the State (Officer-in-Charge of the Kolaghat Police Station), the District Magistrate will make provisions for compensating the petitioner.

With the aforesaid observations, *CRR 2266 of 2000* and all connected applications thereto, if any, are disposed of.

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

(Tirthankar Ghosh, J.)