

21.09.2021

Item No.4
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2130 of 2012
(Via Video Conference)

Biplab Bhattacharjee & Anr.
versus
The State of West Bengal & Anr.

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

None appears for the petitioners.

This revisional application was preferred challenging the proceedings being C.R. Case No. 85 of 2012 under Sections 465/420/406/120B of the Indian Penal Code then pending before learned Judicial Magistrate, 2nd Court, Siliguri.

I have perused the allegations made in the petition of complaint and the orders passed therein by the jurisdictional court. Having considered the stage at which the petitioners approached this Court, I am of the view that opportunity must be granted to the complainant to adduce evidence before the learned Magistrate. If any application under Section 205 of the Code of Criminal Procedure is preferred before the learned Magistrate for dispensing with personal appearance of the petitioners, the learned Magistrate will be at liberty to consider the same and should not insist on physical presence of the petitioners.

No interference is called for so far as the merits of the complaint is concerned at this stage before evidence is adduced by the complainant and his witnesses.

With the aforesaid observations, CRR 2130 of 2012 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected 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.)