

13.03.2024

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CRR 3695 of 2005

In the matter of : Dipa Saha & Anr.

.... petitioners.

Mr. Soumik Ganguli
Mr. Supriyo Shasmal

.... for the petitioners

Mr. Pratick Bose

... for the State

The instant revisional application was filed for quashing of the proceeding being case No. 388C of 2005 pending before the learned Judicial Magistrate, 6th Court at Bankura under Section 379/448 of the Indian Penal Code.

Perused the contention of the petitioners in the petition as well as the complaint filed by the opposite party No.2. It further appears that vide order No.1 dated 07.10.2005 the learned trial court had rejected the prayer under Section 156(3) of the Code of Criminal Procedure directing the original complaint to the Officer-in-Charge concern for investigation and treating as F.I.R. The complaint was thereafter treated as complaint case. Subsequently summons was issued against the accused persons under Section 379/448 of the Indian Penal Code.

From the materials on record it appears that there has been an acrimonious relationship between the parties with filing of a civil suit being T.S. 4 of 2000 renumbered as T.S. 92

of 2002. The complaint dated 07.10.2005 revealed that the accused persons had committed theft of wooden logs amounting to Rs. 50,000/-. It is surprising that the trial court considered to deal with such issue as complaint case without proper investigation and came to an opinion for taking cognizance of this complaint in the form of registration the same as complaint case. The complaint was filed after 19 days of the incident. To allow to continue with the trial will result in abuse of process of law.

The proceeding being case No. 388C of 2005 pending before the learned Judicial Magistrate, 6th Court at Bankura under Section 379/448 of the Indian Penal Code is quashed.

Accordingly, the instant revisional application is disposed of.

Copy of the order be sent to the trial court for information.

(Ananya Bandyopadhyay, J.)