

D/L28
21.09.2022
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C.R.R. 5 of 2021

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Bandish Saha and others
Versus
State of West Bengal and another

The present revisional application was preferred challenging the proceedings arising out of Baranagar Police Station Case No.153 dated 07.03.2018.

Records reflect that initially there was an interim order on 7th January, 2021 for a period of ten weeks. However, the said interim order was never extended. Orders dated 15.06.2022 and 02.08.2022 reflect that the interim order was never extended.

Today, when the matter has been called, none appears on behalf of the petitioner. The documents which have been enclosed along with the revisional application relate to a certified copy of the formal FIR as also the letter of complaint and the orders passed by the learned ACJM, Barrackpore.

The case was registered in the year 2018. State has also not furnished any information as to whether the investigation of the case has been concluded and a report in the nature of Section 173 of the Code of Criminal Procedure has been filed before the jurisdictional court.

Having regard to the contentions advanced in the revisional application, I find that majority of the contentions relate to issues of facts thereby denying the allegations made in the letter

of complaint on the basis of which the FIR was registered. This Court while exercising its jurisdiction under Section 482 of the Code of Criminal Procedure is not empowered to assess the truth or falsity of the allegations made in the letter of complaint until and unless the same is on the basis of unimpeachable documentary evidence or any evidence stalling the proceedings, the petitioners do not make out a case of such nature thereby calling interference of this Court. As such, no interference is called for.

Accordingly, CRR 5 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)