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2022
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C.R.R. No.97 of 2020

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 filed in connection with G.R. Case No.785 of 2019 arising out of Khanakul Police Station Case No.185 of 2019 dated 10.07.2019 under Sections 420/406/409/465/467/468 of the Indian Penal Code;

Alok Kumar Dutta
Versus
The State of West Bengal & Anr.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.
...for the State.

Mr. Kaushik Chatterjee,
Mr. Tirthankar Dey.
...for the opposite party no.2.

The present revisional application has been preferred challenging the proceedings arising out of Khanakul Police Station Case No.185 of 2019 dated 10.07.2019 under Sections 420/406/409/465/467/468 of the Indian Penal Code.

Report submitted by the Investigating Officer be kept with the record.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner is a valuer and he has been falsely implicated in the instant case in spite of the fact that he has exercised due diligence in respect of his job which was assigned to him. Additionally, it has been contended that he has never inspected the property and, as such, he cannot be made liable for

any consequences which accrued after the loan was discovered to be a non-performing asset or the defaulter's identity in respect of the property which was kept as collateral was found to be fake.

Mr. Mukherjee, learned Public Prosecutor appearing on behalf of the State produces the case diary before the Court and relies upon the documents which have been collected so far as the present petitioner is concerned.

Mr. Chatterjee, learned advocate, appears for the opposite party no.2/bank-authorities and submits that the contentions advanced by the petitioner is contrary to the materials on record.

I have considered the submissions of the respective parties and I find that the petitioner has approached this Court at a stage when the charge-sheet and supplementary charge-sheet has been submitted but is not aware regarding the materials appearing against him which is relied upon by the prosecution.

The petitioner is yet to receive the copies and documents under Section 207 of the Code of Criminal Procedure.

Having regard to the same, I am of the opinion that the application is premature. The petitioner would be at liberty to agitate the points canvassed in the revisional application after receipt of the documents, which the prosecution intends to rely under Section 207 of the Code of Criminal Procedure. Thus, no interference is called for.

Accordingly, CRR 97 of 2020 is disposed of.

Pending application, if any, is 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.)