

18.07.2022

CRR 18 of 2016

Ct. No. 33

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

In the matter of:- Ganesh Mondal @ Samir Mondal ...petitioner

Ms. Sreyashee Biswas.
..for the State.

None appears on behalf of the petitioner.

The present revisional application has been filed for quashing of a proceeding being GR Case No.503 of 2008 pending before the learned Additional Chief Judicial Magistrate, Sealdah, Kolkata as well as order dated 24.03.2015.

The factual matrix of the case is that one agreement for sale was entered into between the complainant and the petitioner for sell of one flat on the second floor within the premises no.1/1, Kalitara Bose Lane under PS Beliaghata, Kolkata-700010 and a part payment was made by the complainant to the tune of Rs.3,20,000/- to the petitioner. The de facto complainant filed a petition under Section 156(3) of the CrPC alleging of the aforesaid facts which was sent for investigation and FIR being Beliaghata PS 41 of 2008 was registered. After completion of investigation, the police submitted charge sheet against the petitioner and prayed for discharge of six accused persons.

Being aggrieved by and dissatisfied with the said proceeding, the petitioner has preferred the present revisional application.

Ms. Sreyashee Biswas, learned advocate for the State submits that on the basis of prima facie materials as well as expert opinion on questioned documents, charge sheet has been submitted against the petitioner and

accordingly, the present revisional application is liable to be dismissed.

It is found that upon completion of investigation, the investigating agency submitted charge sheet against the petitioner under section 420 of the Indian Penal Code on the basis of *prima facie* materials collected during the course of investigation and opinion of the expert on questioned documents.

Accordingly, the proceeding before the learned trial Court does not call for any interference.

It is however made clear that the observations made hereinabove shall not have bearing on the rights and contentions of the petitioner before the trial court.

The revisional application is thus dismissed.

All connected applications, if any, shall stand disposed of.

Interim order, if any, shall stand vacated.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Bivas Pattanayak, J.)