

14-03-2022
Subha
Item-25
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 645 of 2022
(Assigned)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : ***Biplab Kumar Chowdhury***
...Petitioner.

Mr. Kushal Kumar Mukherjee
.....for the Petitioner.

Mr. Anwar Hossain
Mrs. Debjani Sahu
.....for the State.

Learned advocate appearing on behalf of the petitioner has challenged the investigation, which has commenced in connection with Dum Dum Police Station Case No. 520 of 2020 dated 30.08.2020 under the relevant sections of law.

According to the learned advocate, the allegations made in the FIR, more particularly the letter of complaint which is the foundation of the FIR, prima facie, fails to make out any offence in continuation of the investigation.

It is the further contention of the learned advocate for the petitioner that he has been falsely implicated as he is a social activist and the complainant intended to settle scores with him.

Mr. Anwar Hossain, learned advocate who ordinarily appears on behalf of the State is directed to appear on behalf of the State in this matter. His appointment may be regularized by the

concerned Authorities in due course.

Learned advocate for the State opposes the contentions raised by the learned advocate for the petitioner. I have considered the submissions as well as the materials available on record.

On an appreciation of the same, I am of the view that truth and falsity of the allegations are to be considered by the Investigation Agency and the court at the investigation stage is not empowered to assess the same. The same reasons would apply for assessing the contentions regarding the fact that the petitioner has been falsely implicated in this case.

Having regard to the aforesaid, I am of the opinion that no interference is called for at this stage.

However, the petitioner would be at liberty to canvass the points agitated in the revisional application at the time of the consideration of charge or at the appropriate stage of the trial.

With the aforesaid observations, the revisional application being CRR 645 of 2022 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

.