

D/L 13
February 3,
2022
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C.R.R. No.404 of 2018
(Via Video Conference)

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

Sukumar Chakraborty
Versus
The State of West Bengal & Anr.

Mr. Anil Kumar Chattopadhyay.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

Mr. Anil Kumar Chattopadhyay, learned advocate appearing for the petitioner has prayed for quashing of the proceedings of G.R. Case No.3598 of 2011 arising out of Sankrail Police Station Case No.354 of 2011 dated 07.07.2011 which is pending before the learned Judicial Magistrate, 1st Court, Howrah.

The contention of the learned advocate appearing for the petitioner is that the petitioner has been falsely implicated in the instant case as he has tried to help out a person who had lost his money. The subject matter of the case involves Rs.4,000/-. Learned advocate additionally submits that he has never introduced himself to be a police officer and he is associated with the South Eastern Railways. The police authorities on the basis of perfunctory investigation has submitted the instant charge-sheet and the materials collected by the Investigating Agency do not make out a case for further continuance.

Mr. Madhusudan Sur, learned advocate appearing for the State opposes the contentions advanced by Mr. Chattopadhyay. Learned advocate for the State emphasizes that the allegations so made is required to be proved as the same touches the core of the society.

I have considered the submissions advanced by the learned advocate appearing for both the parties and on appraisal of the same, I am of the opinion that the factual circumstances so placed by the learned advocate for the petitioner regarding the truth or falsity of the allegations or the documents cannot be assessed by this Court under Section 482 of the Code of the Code of Criminal Procedure. Neither it can be appreciated that the defacto complainant has died during the pendency of the case.

Records reflect that the present case is pending for more than ten years and it has been informed to this Court that the same is fixed for consideration of the charge on the next date fixed. Thus, sufficient opportunity is available before the petitioner before the learned trial court to agitate the factual aspects which have been canvassed in the revisional application.

No interference is called for at this stage by this Court.

Petitioner would be at liberty to agitate the points canvassed in this revisional application at the appropriate stage of the proceedings.

Accordingly, CRR 404 of 2018 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.)