

14.11.2022
S/L No.40
KS

**C.R.R. 410 of 2021
With
IA No. CRAN 1 of 2021
+
CRAN 2 of 2021
Debraj Pal @ Debraj Paul
-Vs.-
The State of West Bengal & Anr.**

Mr. Kallol Basu
Mr. Apalak Basu
Mr. Nazir Ahmed
Mr. S. Sarkar
.....For the Petitioner
Mr. Sudip Ghosh
Mr. Bitasok Banerjee
.....For the State
Mr. Saryati Dutta
.....For the O.P. No.2

The present revisional application has been preferred challenging Mogra Police Station Case No.55 of 2020 wherein charge-sheet has been submitted under Section 384/ 506/ 504 of the Indian Penal Code and Section 3 of the Prevention of Scheduled Castes and Scheduled Tribes Atrocities Act.

Mr. Kallol Basu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case as the property which is the subject-matter of the instant case was registered in the year 2018, as such, the factum of extortion and criminal intimidation is alleged after almost 2 years. It has also been submitted that during the pendency of the revisional application both the parties which includes the present petitioner as also the complainant are not interested to pursue the criminal case.

Mr. Saryati Dutta, learned advocate appearing for the private opposite party no.2/complainant also consents for such compromise having been effected.

Mr. Ghosh, learned advocate appearing for the State opposes the contention and submits that the present petitioner had a chequered antecedent and number of criminal cases are/were pending against him. According to the learned advocate the allegations are in respect of grabbing the properties of the poor and the downtrodden who are unable to understand the consequences of the act. On an assessment of the materials placed before this Court, I am of the considered view that the issue of joint compromise petition, as prayed for by the learned advocates for the petitioner as well as the learned advocate appearing for the private opposite party no.2 cannot be acceded to.

The Learned Special Court/Trial Court is directed to frame the charges against the petitioner and fix continuous dates within a week thereafter for examination of the complainant/Amal Biswas and the charge-sheet witness no.2/Anjali Biswas. The said witness would be examined-in-chief and cross-examined and thereafter, if so advised, the petitioner would be at liberty to approach this Court with the evidence which has surfaced on record.

It has been pointed out that warrant of arrest has been issued against the present petitioner pursuant to the charge-sheet having been submitted before the Learned Special Court, I direct that the warrant of arrest so issued by the Learned Special Court be stayed till 15th December, 2022. If the petitioner appears/surrenders before the Learned Special Court he would be directed to furnish bond to the satisfaction of the Learned Special Court on such terms and conditions as the Learned Special Court deems fit and proper. Charge be framed by 31st December, 2022 and date may be fixed for examination of the witnesses by second week of January, 2023.

With the aforesaid directions, C.R.R. 410 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)