

08.12.2022

Item No.20
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 474 of 2021

**Surajit Dhonk
versus
State of West Bengal & Anr.**

In Re: An Application under Section 401 read with Sections 482 and 397 of the Code of Criminal Procedure, 1973.

Mr. Avijit Chakraborty ... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee ... For the State.

Report submitted by Mr. Banerjee, learned advocate appearing for the State pursuant to the order dated 04.03.2021 passed by a co-ordinate Bench of this Court be kept on record.

Petitioner is aggrieved by the fact that he is not named in the FIR nor in the charge-sheet, but a person whose father's name is same has been named in the charge-sheet and the police authorities are threatening the petitioner under the garb that the petitioner is the person who has been implicated and whose name is appearing in the charge-sheet. Learned advocate appearing for the petitioner further contends that even if the facts are taken to be true, the same do not apply in respect of the petitioner as the petitioner is never the neighbour of the complainant.

The contentions which have been raised in this revisional application are not for the High Court to adjudicate on the issue. The petitioner is granted liberty to take out an

application detailing the facts of his false implication in the background of the FIR, charge-sheet, his address and his relationships.

Learned Magistrate would consider such an application, conduct an enquiry and arrive at his finding preferably within a period of three months from the date from filing such application by the petitioner.

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

Accordingly, the revisional application being CRR 474 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)