

April 27, 2022
Sl. No. 24
Court No.34
s.biswas

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 266 of 2015
With
CRAN 7 of 2018 (Old No. CRAN 441 of 2018)

In re. An application under Section 482 of the Cr.P.C.

In the matter of: Md. Farooque

... petitioner

The present revisional application was preferred challenging the order dated 22.10.2011 passed by the learned Metropolitan Magistrate, 8th Court, Calcutta in Case No. C-12125/2007 under Sections 465/467/468/471/120B of the Indian Penal Code. The said order reflects that an application under Section 245 of the Code of Criminal Procedure was filed which was dismissed by the learned Court and the learned Court thereafter fixed the dates for recording the evidence before charge to commence on 14th January, 2015. At the time when the said application was filed, at least 4 witnesses were examined and number of documents were marked as Exhibits.

Learned Court while considering the application, took into account the various factual circumstances and the evidence of the witnesses recorded before charge and thereafter opined that the evidence already adduced prima facie make out offence and it would not be in the interest of justice that the accused persons should be discharged.

Having regard to the reasons assigned by the learned Court, I find that same are cogent and as such there cannot

be a mechanical approach towards the provision of Section 245 of the Code of Criminal Procedure. Thus, no interference is called for.

Accordingly, CRR 266 of 2015 is dismissed, pending application if any is consequently disposed of, interim order if any is hereby vacated.

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

(Tirthankar Ghosh, J.)