

D/L13
14.12.2022
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C.R.R.525 of 2021

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

Sri Bholanath Pandit
Versus
The State of West Bengal and others

Mr. Soumya Banerjee,
Ms. Sucheta Banerjee.
...for the petitioner.

Mr. Arijit Ganguly,
Ms. Manisha Sharma.
...for the State.

The petitioner is aggrieved by the order dated 30.12.2020 wherein the learned Additional Chief Judicial Magistrate, Arambagh was pleased to reject the prayer under Section 156(3) of the Code of Criminal Procedure advanced on behalf of the petitioner.

The foundation of the order passed by the learned Additional Chief Judicial Magistrate, Arambagh was on the basis of a report submitted by the Officer-in-Charge, Khanakul Police Station wherein it was emphasized that there was a civil suit pending between the parties.

Mr. Banerjee, learned advocate appearing for the petitioner submits that mere pendency of a civil suit do not debar any of the parties to ventilate his rightful grievance under the criminal law.

The petitioner is directed to serve a copy of the revisional

application upon Ms. Manisha Sharma, learned advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

Having regard to the submissions made by the learned advocate appearing for the petitioner as well as the subject matter of dispute, I direct that in case the petitioner intends to file a fresh application under Section 200 of the Code of Criminal Procedure or on the same application under Section 156(3) of the Code of Criminal Procedure intends to pursue his remedies, the learned Additional Chief Judicial Magistrate, Arambagh is directed to examine the complainant and his witness, assess the documents relied upon by the complainant/witness and thereafter decide as to whether the case should be proceeded under Section 204 of the Code of Criminal Procedure or dismissed under Section 203 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 525 of 2021 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)

