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June 13,
2022
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C.R.R. No.1282 of 2022

In Re: An application under Section 482 of the Code of Criminal Procedure;

Chanchal Kundu & Anr.
Versus
State of West Bengal & Anr.

Mr. S. Dutt,
Mr. Kushal Paul,
Mr. Saptarshi Dutt.
...for the petitioners.

Mr. Tanmay Kr. Ghosh,
Ms. Pritha Paul.
...for the State.

Affidavit of service filed be kept with the record.

Liberty is granted to the petitioners to amend the cause title and incorporate the correct police station case number.

The revisional application was preferred challenging Bidhannagar East Police Station Case No.32 of 2022 dated 11.03.2022 under Sections 448/323/427/506/509/34 of the Indian Penal Code. The petitioners challenged the continuation of the investigation proceedings which commenced on the basis of an application under Section 156(3) of the Code of Criminal Procedure preferred before the jurisdictional court.

Mr. Paul, learned advocate appearing for the petitioners submits that a probate proceedings are pending before the Hon'ble High Court and the present criminal case has been instituted for arm twisting the present petitioners.

Be that as it may, Mr. Ghosh, learned advocate appearing for the State produces the case diary and submits that

the investigation of the case has been concluded and charge-sheet has already been submitted before the jurisdictional court. Primarily, the petitioners are unable to contradict the issue and unaware regarding the charge-sheet being filed before the jurisdictional court. As there has been complete change of circumstances, the revisional application is premature. The petitioners would be at liberty to challenge the proceedings after the documents under Section 207 of the Code of Criminal Procedure are served upon them in course of the proceedings before the learned jurisdictional court. No interference is called for at this stage.

With the aforesaid observations, CRR 1282 of 2022 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.)