

CRR 880 of 2015

In the matter of:- Manoj Tiwari
.....Petitioner.

Mr. Imran Ali
Ms. Debjani Sahu
..for the State.

None appears on behalf of the petitioner.

This present revisional application has been filed by the petitioner under Section 401 read with Section 482 of the Code of Criminal Procedure for quashing of the proceeding being G.R. No. 2515/2000 (arising out of West Port Police Station Case No. 102 dated 3.8.2000 under Sections 387/451/452/34) of the Indian Penal Code) pending before the learned 3rd Judicial Magistrate, Alipore, South 24-Parganas at Alipore.

The brief fact of the case is that the opposite party no. 2-complainant lodged FIR with the contention that the petitioner and others in furtherance of their common intention entered into premises of M/s. Jai Mata Di Agency at 1(P-44/7) Taratala Road and assaulted one Anil Pandey and Rajen Agarwal by fists and blows and threatened them in dire consequence to pay Rs. 10,000/- per month as protection money. On such allegation, the FIR came into existence under Section 387/34 of the IPC. Upon completion of investigation, charge-sheet has been submitted against the petitioner and one other under Section 387/34 of the IPC. Being aggrieved and dissatisfied with the said proceeding, the petitioner has

preferred the present revisional application.

Mr. Imran Ali, learned advocate appearing on behalf of the State submits status report. Let it be kept with the record. He submits that on the basis of materials collected during investigation, charge-sheet has been submitted against the petitioner and one other under Section 387/34 of the IPC and after framing of charge, the case has proceeded for examination of the witnesses and accordingly, the present application is liable to be dismissed

It is found from the certified copy of the charge-sheet that after completion of the investigation and on the basis of materials collected during investigation, it has been submitted against the petitioner and one other under Section 387/34 of the IPC. The trial court on 26.2.2014 framed charge under Section 387/451/452/34 of the IPC. The status report filed by the State today shows that trial had proceeded for examination of witnesses.

In view of the above materials, I do not find any illegality or impropriety in the said proceeding. Accordingly, the revisional application is dismissed.

It is however, made clear that the observation made hereinabove shall not have any bearing on the rights and contentions of the petitioner before the trial court.

Let a copy of this order be sent down to the learned trial court for information.

All connection applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)