

17.03. 2022
item No.37.
n.b.
ct. no. 34

CRR 1209 of 2016
+
IA No. CRAN 2 of 2016 (Old No. CRAN 4258 of 2016)
+
IA No. CRAN 3 of 2017(Old No. CRAN 1710 of 2017)

Gautam Banerjee & Ors.
Vs.
State of West Bengal & Anr.

Mr. Pinak Kr. Mitra
.....for the Petitioners.

Mr. Anwar Hossain,
Ms. Sujata Das
... for the State.

Mr. Mitra, learned advocate appearing for the petitioners submits that in spite of best of his efforts he could not establish any contact with the present petitioners.

As none appears on behalf of the State, Mr. Anwar Hossain, learned advocate who ordinarily appears for the State, is directed to appear in this matter and represent the State. His appointment may be regularized by the concerned authority.

I have perused the subject matter of challenge before this Court which involves the order dated 11.8.2014 passed by the learned Additional Chief Judicial Magistrate, Siliguri wherein the learned Magistrate was pleased to take cognizance in respect of the prayer of the Investigating Officer for issuance of notice to the de facto complainant in respect of the police case instituted under Section 211 of the Indian Penal Code.

On an appreciation of the materials which are available on record, I am of the opinion that the learned Magistrate after recording his subjective satisfaction has passed the said order and at the initial stage when the police authorities after thorough investigation has come to a finding, regarding process to be issued under Section 211 of the Indian Penal Code, some opportunity must be granted to them for adducing their evidence. Petitioners would be at liberty to agitate their grievance at the appropriate stage of the proceedings. No interference is called for.

Accordingly, CRR 1290 of 2016 is disposed of.

All pending connected applications, if any, are 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.)