

S/L-46
16-06-2022
Ct-14
Kole

**CRR 1312 of 2020
With
CRAN 1 of 2020**

**Subhendu Kumar Mahata
-Vs.-
The State of west Bengal & Anr.**

Mr. Imran Siddiqui,
... for the petitioner.
Mr. Mudhansudan Sur, Ld. APP.
Mr. Arijit Ganguly,
Mr. D. Mahata,
... for the State.

The petitioner has challenged the FIR in Balurghat P.S. Case No. 93 of 2020 dated 27.02.2022 under Sections 409/406/34 IPC and has prayed for quashing of the FIR as well as the investigation in connection with the said Police Station case. Learned Advocate on behalf of the petitioner appears and submits as well as learned Advocate for the State. However, in spite of there being a direction of production of case diary before the court. No case diary is produced today. Today the matter is taken out for hearing and disposal without the case diary under the facts and circumstances of the case. The petitioner submits that he intended to file a complaint before the police. But since the same was not registered as a FIR, he had to prefer an application under Section 156(3) in the Court of Chief Judicial Magistrate, Dakshin Dinajpur, Balurghat. As per the direction of Chief Judicial Magistrate, Balurghat, dated 20.02.2020 I/C, Balurghat was to take an enquiry in the matter and submit a report to the court. It is submitted that the report is yet to be

filed by the I/C, Balurghat in the court in accordance with the direction as above.

It is submitted further that subsequent to filing of the application under Section 153(3) of the Cr. P. C. by the petitioner, a FIR was lodged being Balurghat Police Station Case No. 93 of 2020 dated 27.02.2020 under Sections 409/406/34 IPC against the petitioner and others. On that basis investigation was started which is still in progress. The said FIR and the investigation are under challenge in this criminal revisional application.

Considering the entire facts and circumstances of the case, I find that there was hardly any scope for the petitioner to espouse the provisions under Section 482 of the Cr. P.C. which challenged the FIR as well as the proceedings in the above stated police case. On the said ground, I do not find that this revisional application should survive any more. Accordingly, the same is disposed of. However, a direction is being made to I/C, Balurghat for immediate submission of report in the court of CJM, Balurghat in connection with Misc. Case No. 47 of 2020 in compliance with the court's order dated 20.02.2020. Under this circumstance no CRAN 1 of 2020 has no manner of effect.

Both the applications being CRR 1312 of 2020 and CRAN 1 of 2020 are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Rai Chattopadhyay, J.)