

D/L 19
January 27,
2022
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C.R.R. No.1318 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

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

Sri Prasenjit Das
Versus
The State of West Bengal & Anr.

Mr. Sanjib Das.
...for the petitioner.

Mr. Saibal Bapuli,
Mr. Arani Bhattacharyya.
...for the State.

Learned advocate for the petitioner submits that the allegations made in the FIR and the materials collected by the Investigating Agency do not make out a case for continuance of trial. As such, the proceedings may be quashed.

Learned advocate draws the attention of this Court to certain documents, which according to him, reflect that there were dues of club and on a false pretext the present case has been instituted.

Learned advocate appearing for the State produces the case diary.

I have perused the seizure list as also the statement of the witnesses.

This Court, while considering the application under

Section 482 of the Code of Criminal Procedure for quashing of the proceedings at the stage when charge-sheet has been submitted, is bound to go by the materials placed and collected by the Investigating Agency in course of investigation and cannot rely upon the documents by the accused petitioner as the private documents are to be referred to by the petitioner at the appropriate stage of the trial. The evidence so collected by the Investigating Agency reflects that there were representations and some amount was handed over and the purpose for which the same was handed over was never complied with. The same prima facie satisfies the definition of cheating under Section 415 of the Indian Penal Code. Regarding the truth or falsity of the allegations it would be for the learned trial court to decide the issue at the appropriate stage. Thus, no interference is called for.

Accordingly, CRR 1318 of 2020 is dismissed.

Connected pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The petitioner would be at liberty to canvas the points relating to law at the time of consideration of charges before the learned trial court.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

