

Court No. 33
Item 56
Ali
01.07.2022

CRR 1377 of 2016

In the matter of:- Oli Mohammad Mondal & Anr
.....Petitioners
-Vs.-
The State of West Bengal & Anr.

Mr. Arijit Ganguly
Mr. Tapas Kumar Saha
....for the State

None appears on behalf of the petitioners.

Mr. Arijit Ganguly alongwith Mr. Tapas Kumar Saha, learned Advocate who generally appears on behalf of the State is requested to appear in this case on behalf of opposite party No. 2, State of West Bengal. The concerned authority is requested to regularize their appointments.

The petitioners have preferred the present revisional application under Section 482 of the Code of Criminal application for quashing of charge-sheet being No. 27 of 2012 arising out of New Town Police Station Case No. 288 of 2011.

The brief facts of the case is that the opposite party No. 2-complainant being proprietor of M/S Annapurna Enterprise entered into a Development Agreement with the petitioners on 20.06.1999 for developing the land and he paid a sum of Rs.1,30,000/-to the petitioners. However, the petitioners failed to co-operate with him and also refused to refund money. On such basis the opposite party No. 2-complainant filed an application under Section 156(3) of the Code of Criminal Procedure against the petitioners which was sent to New Town Police Station for investigation resulting in registration of Case

No. 288 of 2011 against the petitioners under Sections 323/406/420/506 of the Indian Penal Code. Upon completion of investigation charge-sheet was submitted under Sections 323/406/420/506 of the Indian Penal Code against both the petitioners.

Being aggrieved and dissatisfied with the said proceedings the petitioners have preferred the present revisional application.

Mr. Arijit Ganguly, learned Advocate appearing for the State submits that on the basis of prima-facie materials charge-sheet has been submitted in this case against the petitioners and as such, the proceedings does not call for interference.

It is found from the copy of charge-sheet annexed to the revisional application, that upon completion of investigation the investigating agency submitted charge-sheet against both the petitioners under Sections 323/406/420/506 of the Indian Penal Code on the basis of primary materials collected during the course of investigation. Accordingly, such proceedings does not call for any interference.

However, it is made clear that the aforesaid observation shall not have bearing on the rights and contentions of the petitioners before the trial court.

The revisional application is, thus, dismissed.

All connected applications also 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.)