

02.12.2022
S/L No.32
KS

C.R.R. 1389 of 2021
With
IA No. CRAN 1 of 2022 [Not Found]
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CRAN 2 of 2022
Sri Dibakar Deb & Anr.
-Vs.-
The State of West Bengal & Ors.

Mr. Manoj Kumar Mondal
.....For the Petitioners
Mr. Madhusudan Sur
Mr. Dipankar Paramanick
.....For the State

The revisional application was preferred challenging the proceedings arising out of Mothabari Police Station Case No.16 of 2020 arising out of G.R. Case No181 of 2020 under Sections 380/ 427 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that a mobile phone was seized which belong to the cousin brother of the petitioners. There is a money receipt to the said effect and the police authorities are harassing the present petitioner on issues relating to malice.

Learned advocate appearing for the petitioner submits that the shop keeper also from whom the mobile phone was seized is ready and willing to depose before the police authorities in support of the claim of the mobile.

Mr. Sur, learned advocate appears on behalf of the State.

I have considered the submissions of the learned advocate appearing for the petitioners, the contentions are bona fide, but at the same time, the documents which have been relied upon and the shop keepers version, the truth and falsity of the same are to be decided, which are exclusive domain of the investigating authority.

Accordingly, I direct that the petitioners would deposit original money receipt relating to the mobile phone which has been seized with the police authorities/investigating authority. The Investigating Officer will check the ownership of the shop from which the mobile phone was purchased, assess the truth and falsity of such statement and then arrive at his independent finding.

With the aforesaid observations, C.R.R. 1389 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)