

08.12.2022

Item No.37
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1631 of 2021

**Tarun Kumar Agarwal
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sourav Chatterjee,
Ms. Subhasree Patel,
Mr. Soham Banerjee ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

Mr. Kaushik Gupta,
Mr. Anirban Tarafder,
Mr. Arkaprabha Chowdhury ... For the Opposite Party No.2.

Learned Public Prosecutor submits memo of evidence in respect of Lake Police Station Case No. 54 dated 02.03.2021 under Sections 120B/420/406/448 of the Indian Penal Code and Katwa Police Station Case No. 84/2021 dated 25.03.2021 under Sections 341/420/406/120B of the Indian Penal Code. Let both the memo of evidence be kept on record.

A report dated 05.12.2022 has also been submitted by the State. Let the said report be also kept on record.

Lake Police Station case was registered on the basis of a letter of complaint on 02.03.2021, while Katwa Police Station case was registered on the basis of an application under Section 156(3) of the Code of Criminal Procedure on 25.03.2021 wherein direction was passed upon the Officer-in-Charge, Katwa Police Station to treat the petition of complaint as an FIR and registered the case.

So far as the allegations are concerned, the subject-matter of Lake Police Station case and Katwa Police Station case are one and the same and they do satisfy the test of sameness. Having regard to the same, the proceeding relating to Katwa Police Station Case No. 84/2021 dated 25.03.2021 under Sections 341/420/406/120B of the Indian Penal Code which was registered subsequently is hereby quashed.

The materials which would include seizure list, seized materials, documents and statements be transmitted to the Investigating Officer of Lake Police Station Case No. 54 dated 02.03.2021. The Investigating Officer prior to submission of charge-sheet will assess the materials and would be entitled to keep the same as part of the case diary. Subsequently the said documents can be relied upon while submitting the charge-sheet by the Investigating Officer of the case.

With the aforesaid observations, the revisional application being CRR 1631 of 2021 is allowed.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)