

21.11.2022
S/L No.23
KS

C.R.R. 1688 of 2021
Lipi Sarkar & Anr.
-Vs.-
State of West Bengal & Anr.

Mr. Sujoy Sarkar
Md. Musharraf Alam Sk.
Mr. Aslam Khan

..... For the Petitioners

Mr. Prasun Kumar Dutta
Md. Kutubuddin
Mr. Santanu Deb Roy

.....For the State

Mr. S. S. Roy
Mr. Amarendra Chakraborty
Mr. Arghya Banerjee

.....For the O.P. No.2

The present revisional application has been preferred challenging the continuance of the proceedings arising out of English Bazar Police Station Case No.412 of 2018 dated 4.5.2018. In this case, on completion of investigation charge-sheet was submitted before the Jurisdictional Court and the summary of allegations involved is that the present petitioner who is an accused pursuant to an understanding/agreement performed his work and even after performing his work, he did not receive any payment and a cheque was issued which on being presented with the bank 'dishonoured'. The de facto complainant initiated a case under Section 138 of the Negotiable Instruments Act and also the present case. It has been contended that the present petitioner prior to registration of English Bazar P.S. Case No.412 of 2018 dated 04.05.2018 informed the English Bazar Police Station on or about 19.03.2018 that a cheque of Rs.30,00,000/- was being unscrupulously used which was stolen and the number of the cheque is "Cheque No.181779" dated 17.03.2018. The allegation was against one Bharat Saha who is the opposite party no.2 in the instant case.

Having regard to the peculiarity of the facts that the police authorities without unearthing the truth submitted charge-sheet in both the cases. Prudence do not satisfy that in both the cases charge sheet cannot be submitted and a person is to be held responsible in one of the cases.

In view of the fact that English Bazar Police Station Case no.249/18 dated 19.03.2018 was registered earlier, I direct that all the materials collected including the charge-sheet submitted in connection with English Bazar Police Station Case No.412 of 2018 dated 04.05.2018 be placed before the one and the same Court. Learned Magistrate will frame charges in both the cases and fix date on the same day one after the other so that the trial of the cases may proceed parallely. In case in course of the proceeding, it appears to the Learned Magistrate that one of the case has progressed and the other case has lagged behind so far as collection of evidence is concerned, in that case, Learned Magistrate would stop delivery of the judgment in respect of the case which has proceeded. Complete the evidence/trial of the other case and deliver judgment of both the cases on one and the same date.

However, as the case relates to documents, learned Magistrate would exercise his jurisdiction in case prayers are advanced under Section 205 of the Code of Criminal Procedure.

With the aforesaid observation, C.R.R. 1688 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.)