

04.07.2022

Item No.58
Ct.No.34
dc.

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

C.R.R. 1770 of 2006

**Swapan Kumar Adhikari
versus
The State of West Bengal**

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

Mr. Arijit Ganguly,
Mr. Sandip Chakraborty ... For the State.

This revisional application was preferred challenging the order dated 06.01.2006 passed by learned Judicial Magistrate, 1st Court, Paschim Medinipur in G.R. No. 1389 of 2001 arising out of Belda Police Station Case No. 104 of 2001 dated 14.09.2001 under Sections 419/420/469/471/120B of the Indian Penal Code.

The preliminary issue involves in this revisional application is rejection of the petitioner's prayer for sanction under Section 197 of the Code of Criminal Procedure.

As none appears on behalf of the State, Mr. Arijit Ganguly, learned advocate along with Mr. Sandip Chakraborty, learned advocate, who ordinarily appear for the State, are directed to appear in this matter and represent the State. Their appointment may be regularized by the concerned authorities.

At the time of admission of this revisional application, it was specifically observed by a co-ordinate Bench of this Court on 26.06.2006 that plea taken by the petitioner can be raised

at any stage and as such, stay was refused. In fact, the said view of the co-ordinate Bench is supported by the judgement of the Hon'ble Supreme Court in ***P. K. Pradhan Vs. State of Sikkim*** reported in ***(2001) 6 SCC 704***.

Having regard to the period of time which has elapsed and the fact that the case was initiated in the year 2001, I am of the opinion that the plea taken up in this revisional application cannot be interfered at the initial stage at which the petitioner approached this Court.

However, the petitioner would be at liberty, if situation so demands, to canvass the point regarding sanction under Section 197 of the Code of Criminal Procedure at the appropriate stage, if the trial of the case has not already been concluded.

With the aforesaid observations, the revisional application being CRR 1770 of 2006 is disposed of.

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.)