

D/L 13
February
17, 2022
Bpg.

C.R.R. No.1935 of 2018
With
CRAN 1 of 2021
(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Rahul Chakraborty & Anr.
Versus
The State of West Bengal & Anr.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Ms. Arunima Mukhopadhyay.
...for the petitioners.

Mr. Ayan Bhattacharjee,
Mr. Suman Majumder,
Mr. Sharequl Haque,
Mr. Aditya Ratan Tiwary.
...for the opposite party no.2.

Mr. Ranabir Roy Chowdhury,
Ms. Faria Hossain,
Ms. Baisali Basu.
...for the State.

Mr. Gupta learned advocate appearing for the petitioners submits that the allegations made in the petition of complaint taken as a whole do not prima facie make out a case for continuance of the proceedings. Learned advocate to that extent referred to different cases, which are *inter se* pending between the parties. Learned advocate also submits that the manner in which the present case has been initiated was with a mala fide and ulterior

motive in order to wreck vengeance because of earlier private and personal grudge.

Mr. Bhattacharjee, learned advocate appearing for the complainant/opposite party no.2 opposes such contentions.

Ms. Basu, learned advocate, represents the State.

I have heard the contentions advanced by all the parties and also assessed the allegations made in the petition of complaint as also the contents of the examination of the witnesses who deposed in support of the complaint at the stage of Section 200 of the Code of Criminal Procedure.

In view of the contents appearing therein, prima facie, I am of the opinion that the case is premature for interference by this Court.

Accordingly, CRR 1935 of 2018 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

However, the petitioners would be at liberty to canvass the issues raised in the revisional application at the appropriate stage of the trial. Needless to state that this Court has not gone into the merits of the case so far as the material evidence is concerned but only assessed the same so far as the issue of continuance of the proceedings is concerned.

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

(Tirthankar Ghosh, J.)

