

D/L31
16.11.2022
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C.R.R.1854 of 2021

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

Sri Joydeep Bhattacharya
Versus
The State of West Bengal and another

Mr. Aniket Mitra,
Mr. Jayanta Pandit.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.
...for the State.

Mr. Mitra, learned advocate appearing for the petitioner challenges the continuance of Alipore Police Station Case No.101 dated 15.06.2021 under Sections 379/406/506/509/500/453/120B of the Indian Penal Code so far as the present petitioner is concerned. Learned advocates submits that the allegations made in the charge-sheet so far as the present petitioner is concerned do not make out any case in view of the fact that the present case is one of co-sharers' rivalry and the complainant had nothing to do with the property. According to the learned advocate, the complainant has taken contrary stand in the complaint and has invoked the jurisdiction of the police authorities for registration of the FIR and the continuance of the proceedings.

Mr. Arijit Ganguly, learned advocate appearing for the State submits a Memorandum of Evidence. Let the same be kept with the record. Learned advocate has produced the case diary.

I have perused the case diary particularly in relation to the statement of the witnesses including the complainant's statement under Section 164 of the Code of Criminal Procedure and on an assessment of the same, I find that at present it would not be fit and proper to come to a conclusion for termination of the proceedings.

It has been submitted that the petitioner and the other accused persons are yet to receive the documents under Section 207 of the Code of Criminal Procedure.

The petitioner would be at liberty to canvass the points advanced in the present revisional application at the stage of consideration of charges, if so advised. Learned Magistrate prior to framing of charges would consider and dispose of such application.

With the aforesaid observations, CRR 1854 of 2021 is disposed of.

Pending 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 of all requisite formalities.

(Tirthankar Ghosh, J.)