

03.08.2022
Item No. 13
Ct. No.40
d.g.

CRR 2502 of 2011

**Arindam Bhattacharjee & Ors.
vs.
Manoj Chatterjee & Anr.**

**Ms. Sreyashee Biswas.
... for the State**

Departmental note dated 1st August, 2022 shows that the administrative notice has been served and the matter is still pending in the learned Trial Court.

None appears on behalf of the petitioners.

The instant application is filed for quashing the Complaint Case No. 957 of 2008 under Sections 447/448/147/148/323/324/380/427/506/392/384/504/34 of the Indian Penal Code.

It is averred in the present application that cognizance of the alleged offences were taken without having any sanction order under Section 197 of the Code of Criminal Procedure. Therefore, according to petition, the very act of cognizance by the Trial Court is opposed to the statute.

On perusal of the present application as well as the petition filed under Section 200 of the Code of Criminal Procedure in the Trial Court, which is the genesis of original complaint case, prima facie it remains doubtful whether the alleged offence took place in discharge of duty or outside the scope of it. That can be decided after trial only. At this

stage, it cannot be decided whether in the given facts and circumstances absence of sanction order under Section 197 of Code of Criminal Procedure vitiates cognizance.

Therefore, it is not a right case to quash the proceeding on that ground.

Accordingly, the instant revisional application stands dismissed on merit.

(Sugato Majumdar, J.)