

08.08.2022

Item No.39
Ct.No.34
dc.

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

C.R.R. 2386 of 2007

**Samar Chowdhury @ Bikash Chowdhury & Anr.
versus
The State of West Bengal & Anr.**

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

Mr. Aniket Mitra ... For the Petitioners.

Md. Anwar Hossain,
Ms. Manisha Sharma ... For the State.

Mr. Aniket Mitra, learned advocate appearing for the petitioners submits that the case was started pursuant to an order dated 07.11.2006 passed in C.O. 1736(W) of 1992 wherein His Lordship the Hon'ble Justice Jayanta Kumar Biswas was pleased to make the following observations amongst others :

“If the tenth and eleventh respondents are liable to be sent back to Bangladesh, then appropriate steps shall be taken by the authority concerned for that purpose. There shall be no order for costs in the case.”

The investigating authorities registered Habra Police Station Case No. 89 dated 25.04.2007 (G.R.No. 747/2007) under Section 14 of the Foreigners Act, 1946. Charge-sheet was thereafter submitted on or about 30.04.2007.

Learned advocate for the petitioners submits that no enquiry was conducted, none of the documents was collected

by the investigating agency and charge-sheet was submitted before the jurisdictional court without any proper investigation. Learned advocate also draws the attention of the Court to a Notification issued by the Central Government on 07.09.2015.

Mr. Anwar Hossain, learned advocate appearing for the State produces the case diary and submits that one of the petitioners applied for citizenship which was not found to be meeting the eligibility criteria. Learned advocate for the State also submits a report of Inspector-in-Charge, Habra Police Station dated 02.08.2022. Let the said report be kept on record.

Having regard to the contentions advanced by the petitioners and the rebuttal of the learned advocate appearing for the State including the documents which have been collected by the investigating agency, I am of the opinion that the emphasis on the documents made by Mr. Mitra, learned advocate for the petitioners is a question of fact to be decided in course of trial. As such, the petitioners would be at liberty to agitate the points canvassed in this revisional application at the appropriate stage.

With the aforesaid observations, the revisional application being CRR 2386 of 2007 is disposed of.

Interim order, if any, is hereby vacated.

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.)