

07.06. 2022
item No.59
n.b.
ct. no. 34

CRR 2147 of 2021

Arun Kumar Halder
Vs.
Partha Sarathi Pandey & ors.

Mr. Debabrata Mondal,
Ms. Sreetama Neogi
..for the petitioner

Mr. Arijit Ganguly,
Ms. Manisha Sharma
... for the State.

Learned advocate appearing for the petitioner draws the attention of this Court to the communication made to the Officer-in-Charge New Township Police Station dated 29.6.2021 as also the Deputy Commissioner of Police, East Zone-1, Durgapur on 29.6.2021.

Learned advocate appearing for the petitioner has also drawn the attention of this court to the application under Section 156(3) of the Code of Criminal Procedure preferred before the Learned Special Court being the Learned Additional District Judge, 1st Court, Asansol, Paschim Burdwan. The Learned Court by an order dated July 30, 2021 was pleased to observe that as search and seizure is not required, the petitioner would be entitled to prove the case under the provisions of S.C/S.T Prevention of Atrocities Act by way of Section 200 of the Code of Criminal Procedure and accordingly the Learned Court was pleased to take cognizance of the offence under Section 190 of the Code of Criminal Procedure.

Record reflects that the petitioner was examined on 24.8.2021 under Section 200 of the Code of Criminal Procedure and subsequently order was passed for producing other witnesses.

Having regard to the provisions of law and the stage at which the case is pending before the Learned Special Court, I am of the opinion that in case investigation is required to be conducted in respect of serious allegations made by the petitioner, the Learned Magistrate would be entitled to invoke the provisions of Section 202 of the Code of Criminal Procedure and proceed with the case for issuance of process.

With the aforesaid observations, CRR 2147 of 2021 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.

(Tirthankar Ghosh, J.)