

M/L10
07.11.2022
Bpg.

C.R.R.2217 of 2021
With
CRAN 1 of 2022

In Re: An application under Section 397/401 read with Section 482 of
the Code of Criminal Procedure, 1973;

Triparna Roy Chowdhury @ Triparna Ray Chowdhury
Versus
The State of West Bengal and another

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Sarthak Mondal.
...for the petitioner.

Mr. Rudradipta Nandi,
Mr. Ranabir Roy Chowdhury,
Ms. Sonali Das.
...for the State.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner has been victimised in the instant case and in spite of he being made accused, the owners of the company has been not implicated by the Investigating Agency in connection with Entally Police Station Case No.61 of 2020 dated 14.03.2020 under Sections 120B/419/420 of the Indian Penal Code. It has also been pointed out that today, that is, on 7th November, 2022 date has been fixed for consideration of the charges by the learned ACJM, Sealdah.

Mr. Nandy, learned advocate, appears on behalf of the State and opposes the prayer for discharge made by Mr. Mukherjee.

I have considered the submissions of the petitioner which is restricted to the quantum of money as also the fact that the

owners/proprietors/partners of the company for which he was rendering his service were not implicated in the instant case. Prima facie, it reflects that it is the petitioner who was nabbed by the common people and was handed over in the Police Station, whether it was the petitioner who was himself or the owners were involved are questions of fact which are to be decided and can be considered by the Investigating Agency or the trial court in course of the proceedings.

Nonetheless, as the learned ACJM, Sealdah is at the stage of consideration of charges, the petitioner would be granted liberty to prefer an application under Section 239 of the Code of Criminal Procedure by 11th November, 2022. A copy of the same may be served upon the State. Learned Magistrate would dispose of such application under Section 239 of the Code of Criminal Procedure by 18th November, 2022.

With the aforesaid observations, CRR 2217 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 copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

