

D/L63
March 23,
2022
Bpg.

CRR No.2158 of 2019

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

Chittaranjan Sarkar
Versus
The State of West Bengal

Mr. Ayan Bhattacharya,
Mr. Abdur Rakib,
Mr. Biswajit Sarkar.
...for the petitioner.

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

The learned advocate for the petitioner submits that the petitioner is innocent of the charges and was working as Booth Level Officer (BLO) and has been falsely implicated in connection with the instant case without any iota of material. Learned advocate also submits that the main thrust of allegations are on Bokul Kumar Mohanta, who was a Bangladeshi national and tried to exit India through the NSCBI Airport and the primary offences are under the Indian Penal Code, Foreigners Act, Passport Act, Immigration Act which are against the said accused Bokul Kumar Mohanta. There are no materials or complicity which would be evident from the materials collected by the Investigating Officer of the case and the petitioner has been falsely implicated with the ulterior object of compelling him to face the ordeal of trial.

Mr. Arijit Ganguly, learned advocate appearing for the State hands over the memo of evidence. Let the same be kept with the record.

Learned advocate for the State submits that the present petitioner was hand in gloves with the principal accused and, as such, innocence as prayed for by the learned advocate for the petitioner is contrary to the materials available in the record.

I have considered the submissions advanced by the learned advocate appearing for the petitioner as also that of the State and I find that the petitioner approached this Court at a premature stage when the learned trial court was yet to frame charges. Accordingly, I do not think that it would be fit and proper for this Court to interfere at this stage when the presumption is in favour of the prosecution.

The petitioner would be at liberty to agitate the points canvassed in the revisional application at the appropriate stage of the proceedings.

Accordingly, CRR No.2158 of 2019 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)