

29.04.2022

Item No.33
Ct.No.34
dc.

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

C.R.R. 2477 of 2019

**Manojit Ray & Anr.
versus
Tapan Malik & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure filed in connection with Dankuni Police Station Case No. 225/18 dated 02.08.2018 (G.R. Case No.1732/18) under Sections 341/232/427/506/504 of the Indian Penal Code.

Mr. Satadru Lahiri,
Mr. Sahen Sah,
Mr. Safdar Azam ... For the Petitioners.

Mr. Subir Ganguly,
Mr. Sumanta Ganguly ... For the Opposite Party No.1.

Mr. Binay Panda,
Ms. Puspita Saha ... For the State.

Mr. Lahiri, learned advocate appearing for the petitioners submits that the accompanying documents particularly, the statement recorded under Section 161 of the Code of Criminal Procedure relied upon by the police authorities for arriving at conclusion regarding the alleged offences being made out are on the basis of facts which were not there in the letter of complaint which has been treated to be the first information report of the case and surprisingly all the statements recorded under Section 161 of the Code of Criminal Procedure were recorded almost on the same day. Learned advocate has submitted that there are civil cases pending between the parties as also other criminal cases and the present case fails to make out offences for trial in the

mode and manner as has been continuing before a court of law.

Mr. Ganguly, learned advocate appearing for the opposite party no.1 submits that the police authorities after concluding investigation have arrived at their opinion and the allegations have been substantiated thereby calling for the petitioners to face trial in a court of law.

Learned advocate for the State has produced the case diary and drawn the attention of the Court to different statements.

Prima facie, it appears that the petitioners and the complainant are known to each other and disputes and differences are there between the family of the petitioners as well as that of the complainant. As the learned court is at the stage of consideration of charges, I am of the opinion that it would not be fit and proper to enter into the zone of Section 239 of the Code of Criminal Procedure at a stage when the learned trial court is in seisin of the matter.

The petitioners are granted liberty to produce documents relating to the pending cases both civil and criminal at the stage of consideration of charges which the learned Magistrate will consider and decide in accordance with law.

Needless to state that this Court has not gone into the merits of the contentions advanced by both the parties and left it to the learned trial court to consider the same at the stage of Sections 239/240 of the Code of Criminal Procedure.

The learned trial court as such will independently consider the issues without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 2477 of 2019 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.)