

D/L18
09.11.2022
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C.R.R.2525 of 2021

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

Sk. Mujibur Rahman @ Sk. Md. Mujibur Rahaman
Versus
Intaj Ali Shah and another

Mr. Ayan Bhattacharjee,
Ms. Reshmi Ghosh,
Mr. Golam Mohiuddin,
Ms. Puja Mondal.
...for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.
...for the State.

Mr. Intaj Ali Shah. ...opposite party no.1-in-person.

The petitioner has challenged the investigation proceedings of Nandigram Police Station Case No.757 of 2021 dated 11.11.2021 under Sections 464/466/506/509/500/379/34 of the Indian Penal Code.

Mr. Swapan Banerjee, learned advocate appearing for the State has produced the case diary in relation to both the cases as a contention has been advanced by the learned advocate appearing for the petitioner that Nandigram Police Station Case No.232 dated 24.07.2019 and the present case are on similar set of facts. In the earlier case of 2019, investigation has been concluded and charge-

sheet has been submitted before the jurisdictional court.

So far as the present case is concerned, investigation is in progress and on comparison of the FIR with the earlier case, I find that similar allegations which have been made relating to withdrawal of money unauthorisedly were not there in the first case. Apparently, it may seem that the principles set out by the Hon'ble Supreme Court relating to test of sameness would apply, but having regard to the fact that the investigation in respect of the allegations regarding illegal withdrawal of certain amounts have been referred to in the present FIR, I am of the opinion that the Investigating Agency must be allowed to continue with the investigation and come to a finding for submitting a report under Section 173 of the Code of Criminal Procedure.

The investigation commenced on 11.11.2021. Almost one year has been passed since then. As such, the Investigating Agency is directed to arrive at their finding and submit their report as expeditiously as possible before the jurisdictional court.

With the aforesaid observations, CRR 2525 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Let the case diary of both the cases be returned to the learned advocate appearing for the State.

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.)