

31.03.2022

Item No.12
Ct.No.34
dc.

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

C.R.R. 2747 of 2019

**Shukla Das & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 filed for challenging the order dated 12.07.2019 passed by learned Judicial Magistrate, 3rd Court, Durgapur in connection with New Township Police Station Case No. 88/2012 dated 28.05.2012 under Sections 447/323/427/506 of the Indian Penal Code.

Mr. Ayan Bhattacharjee,
Mr. Anand Keshari,
Mr. Atish Ghosh ... For the Petitioners.

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

The present revisional application has been preferred challenging the order dated 12.07.2019 passed by learned Judicial Magistrate, 3rd Court, Durgapur in connection with New Township Police Station Case No. 88/2012 dated 28.05.2012 under Sections 447/323/427/506 of the Indian Penal Code.

Mr. Bhattacharjee, learned advocate appearing for the petitioners submits that the order dated 12.07.2019 passed by the learned Judicial Magistrate, 3rd Court, Durgapur has compelled the present petitioners to face the ordeal of trial. Learned advocate has drawn the attention of the Court to the statements of different witnesses which were relied upon by the prosecution under Section 207 of the Code of Criminal Procedure and submits that the allegations are vague and the

role of each of the petitioners has not been described or is surfacing out in course of investigation.

Mr. De, learned advocate appearing for the State draws the attention of this Court to the statements of different witnesses.

I have perused the case diary produced by the learned advocate appearing for the State, more particularly the witnesses and the complicity of the petitioners in respect of description of the offences as has surfaced out in course of the investigation.

So far as the petitioner Nos. 1, 2 and 3, viz. Shukla Das, Amar Pal Singh and Amit Kumar Ghosh respectively, are concerned, I find that there are sufficient materials against them and as such, they may be asked to face the trial which has commenced pursuant to the order dated 12.07.2019.

So far as the petitioner No.4, viz. Sanat Kumar Pandit, is concerned, his complicity, according to the materials appearing in the case diary, is with respect to a vehicle bearing Registration No. WB37A-5395 of which he is the owner being used by rest of the accused persons. The record speaks of the vehicle being used, but the presence of the petitioner no.4 or any overt act has not been surfaced against him.

In view of the aforesaid, I am of the opinion that further proceeding against the petitioner No.4, viz. Sanat Kumar Pandit, for the present, is hereby quashed subject to the evidence which would be deposed and the applicability of

Section 319 of the Code of Criminal Procedure which may be applied by the learned trial court, in case materials so appear in course of the evidence. Thus, the present proceedings would continue against the petitioner Nos. 1, 2 and 3, viz. Shukla Das, Amar Pal Singh and Amit Kumar Ghosh respectively and rest of the accused persons who are before the learned trial court.

With the aforesaid observations, the revisional application being CRR 2747 of 2019 is partly allowed.

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.)