

D/L69
April 6,
2022
Bpg.

C.R.R. No.2807 of 2019

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

Anirban Mondal
Versus
The State of West Bengal

Mr. Sudipta Moitra,
Mr. Piyush Kanti Khanra,
Ms. Sulagna Chowdhury,
Mr. Chandrachur Biswas,
Mr. Vijay Verma.

...for the petitioner.

Mr. Arijit Ganguly,
Mr. Saryati Dutta.

...for the State.

Mr. Saryati Dutta, learned advocate appearing for the
State has handed over the loan application form which is part of the
case diary.

Mr. Moitra, learned senior advocate appearing for the
petitioner disputes that the petitioner and the person whose
photograph has been enclosed in the loan application form are the
same person. Learned senior advocate also disputes regarding the
signature which has been appended below the photograph is of the
present petitioner, namely, Anirban Mondal. It has also been
submitted that the notices issued by the bank authorities were
subsequently withdrawn and, in fact, other statutory authorities
were of the opinion that the petitioner had no connection with the
said company.

In view of the documents which have been enclosed along with the revisional application, I direct the learned Chief Metropolitan Magistrate, Calcutta that if a fresh petition incorporating all the details are submitted with prayers for assessing the identity of the petitioner as well as his handwriting and signature, the learned Magistrate should assign a senior investigating officer of the rank of Deputy Commissioner of Police to conduct a further investigation and submit a report within a period of three months from the date of passing of the order by the learned Chief Metropolitan Magistrate, Calcutta.

As the petitioner is already before the learned court, Mr. Dutta, learned advocate appearing for the State is directed to hand over the copies to Mr. Moitra, learned senior advocate appearing for the petitioner.

Consequently, the order dated 22.08.2019 is set aside.

Accordingly, the revisional application being CRR 2807 of 2019 is partly allowed.

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.)