

22.08.2022
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SB
Ct. No.39

CRR 2724 of 2017

In the matter of : Biplob Chakraborty & Ors.

Mr. Satadru Lahiri
Mr. Dipendra Nath Chunder
Ms. Sonali Ghosh Panda ... for the petitioners

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan ... for the State

Mr. Shahid Hossain
Mr. Megha Thakur
Mr. Kuntal Goswami ... for the O.P.

A certified copy of the final report submitted by the investigating agency terming the matter as civil in nature and seeking discharge of the accused, as filed on behalf of the petitioners, is taken on record.

A communication made to the office of the learned Public Prosecutor by the investigating agency regarding submission of the final report is also taken on record.

Learned counsel appearing on behalf of the petitioners submits that although a final report has been submitted by the investigating agency praying for discharge of the accused and terming the facts involved as in civil in nature, the same has not yet been accepted by the learned trial court. The next date of hearing is in the month of November 2022.

Learned counsel appearing on behalf of the opposite party submits that his client would not like to contest the proceeding further by filing a protest petition.

At this stage the learned counsel for the petitioners prays for liberty to withdraw the application with a liberty to file afresh in the event the proceeding being G.R. Case No. 1330 / 2016 (Baniapukur P.S. Case No. 169 dated 23.04.2016) under Sections 120B, 406 and 420 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Sealdah, South 24 Parganas continued or is revived.

On the prayer of the learned counsel appearing on behalf of the petitioners, the revisional application is dismissed as withdrawn. However, in the event the impugned proceeding pending before the learned Trial Court is continued or revived, the petitioners shall be at liberty to file a revisional afresh on the self same grounds.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)