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May 2,
2022
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C.R.R. No.2829 of 2017

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

Smt. Nirupa Sahana & Anr.
Versus
The State of West Bengal & Anr.

Mr. Jayanta Narayan Chatterjee,
Mr. Supreem Naskar,
Ms. Sreeparna Ghosh,
Ms. Pritha Sinha.
...for the petitioners.

Mr. Animesh Paul.
...for the opposite party no.2.

Mr. Arijit Ganguly,
Ms. Debjani Sahu.
...for the State.

The present revisional application was preferred challenging the continuance of the proceedings of Behala Police Station Case No.391/2012 dated 29.08.2012, wherein charge-sheet has been submitted under Sections 420/120B of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the nature of the allegations prima facie make out disputes regarding partition of property and no case under Section 420 of the Indian Penal Code has been made out. Learned advocate further submits that the investigating agency has converted a civil dispute into criminal proceedings, as such, further continuance of the proceedings would be an abuse of process of law.

Learned advocate for the private opposite party no.2 resists such contentions.

Mr. Ganguly, learned advocate appearing for the State produces the case diary and draws the attention of this Court to the statement of the complainant and other relevant witnesses.

It is reflected that the petitioner no.1 received a sum of Rs.16,00,000/- out of total sum of Rs.25,00,000/- for relinquishing the property which she had inherited. The allegation is that after accepting the said sum of Rs.16,00,000/- and using the same even after tendering a sum of Rs.9,00,000/-, the present petitioners refused to vacate the premises or return the said sum of Rs.16,00,000/- which they have accepted.

Having regard to the nature of the contentions advanced by the complainant as well as the supporting witnesses and the documents which have been relied upon, it would be very difficult for this Court to assess at this stage regarding the intention/motive of the petitioners whether from the inception they intended to part with the property or not. Further, an assessment is required on thorough scrutiny of the documents regarding the complicity of each of the petitioners who have been implicated in the instant case.

Having regard to the contentions advanced by the petitioners and also the stage of the case when the documents under Section 207 of the Code of Criminal Procedure are yet to be served upon the petitioners, I am of the opinion that the revisional application is premature.

The petitioners would be at liberty to agitate the points canvassed in the revisional application including all other issues at the stage of consideration of charge by way of taking out an appropriate application under Section 239 of the Code of Criminal Procedure, if so advised.

With the aforesaid observations, CRR 2829 of 2017 is disposed of.

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.)