

06-04-2022
Subha
Item no.76
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 3050 of 2019

In the matter of : **Malay Kumar Datta**petitioner.

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

Mr. Subrata Bhattacharyya
Mr. Subhas Roy
....for the petitioner.

Mr Arijit Ganguly,
Mr. Sandip Chakraborty
....for the State.

The petitioner submits that the petitioner happens to be the manager of M/s. IL & FS Transportation Network Limited which was working under the directions of the National Highway Authority Of India. .

Learned advocate for the petitioner draws the attention of this court to the documents of National Highways Authority of India regarding the stretch for which acquisition was made and six lane were directed to be constructed.

It has also been submitted that the petitioner was working under the directions of National Highways Authority of India and the present case has been registered and subsequently chargesheet has been submitted without taking into consideration any of the documents relating to the National Highways Authority of India.

Additionally, it has been submitted in course of investigation also no notice was served upon the present petitioner to furnish such documents.

According to the learned advocate the present case is misconceived, although chargesheet has been submitted. The documents which have been submitted by Mr. Bhattacharyya, learned advocate appearing on behalf of the petitioner seems to have a bearing on the merits of the case and I find that no document was collected by the Investigating Agency regarding the construction of the highway from the National Highways Authority, although the statements and the facts which are the foundation of the present case relate to certain acquisitions of property for the purpose of construction of National Highway Authority of India.

In view of the peculiar circumstances of the case, I direct that the petitioner would be at liberty to take out an application enclosing all the documents, which are in his custody before the learned Magistrate. The learned Magistrate will initially ask an enquiry to be conducted regarding the genuineness of the documents so submitted. If the documents are found to be genuine, the learned Magistrate will be at liberty to direct the Investigating Authorities to submit a supplementary chargesheet.

With the aforesaid observations, the present revisional application being CRR 3050 of 2019 is allowed.

Interim order, if any, is hereby disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]