

04.03. 2022
item No.26.
n.b.
ct. no. 34

(via video conference)
CRR 3106 of 2019

Shaibal Paul @ Saibal
Vs.
State of West Bengal & Anr

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
.....for the Petitioner

Mr. Binoy Panda,
Ms. Puspita Saha
.....for the State

Affidavit of service so filed be kept with the record.

Mr. Karmakar, learned advocate appearing for the petitioner submits that another case being Dhubulia police Station case no.351 of 2018 has been registered wherein after completion of investigation, charge-sheet has already been submitted. According to the learned advocate both the cases arise out of the self-same dispute. While the present case being Dhubulia Case no.56 of 2018 is under Sections 498A/406 of the Indian Penal Code, the other case has been registered under Sections 406/34 of the Indian Penal Code. Learned advocate submits that the subsequent case is barred on the test of sameness and as such it should be quashed.

However, the subject matter of challenge before this court is Dhubulia Police Station case No.56 of 2018.

Accordingly, learned advocate submits that he does not intend to press the present application.

Thus, CRR 3106 of 2019 is dismissed as not pressed.

The petitioner is granted liberty to file a fresh application incorporating both the FIRs.

All pending connected applications, if any, are 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.)