

08.08.2022

Item No.36
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3177 of 2005

**Debasish Guha & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Santanu Talukdar ... For the Petitioners.

This revisional application was preferred challenging the proceedings of Complaint Case No. C-4223 of 2004 under Section 379 of the Indian Penal Code then pending before the learned Judicial Magistrate, 8th Court, Alipore.

This revisional application was admitted in the year 2005 when there was interim order for a period of ten weeks. The foundation of this revisional application was based on the photostat copy of the hypothecation agreement as also the order of the civil court.

Having regard to the contentions advanced and the nature of the document placed before this Court, I am of the opinion that the prayer advanced before this Court cannot be acceded to without proper appreciation of the documentary evidence. However, the petitioners would be at liberty to agitate the points canvassed in this revisional application and place the supporting documents in original before the learned trial court for arriving at appropriate findings.

With the aforesaid observations, the revisional application being CRR 3177 of 2005 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)