

CRR 3948 of 2008
With
CRAN 3/2010 (Old No. CRAN 758/2010) (Not Found)

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

And

In the matter of: Swapan Kayal & Ors.

.... Petitioners

Mr. Sourav Chatterjee

...For the Petitioners

The petitioner challenges the charge sheet filed against him in connection with Kalighat Police Station Case No. 125 of 2005 dated August 5, 2005, under Sections 448/504/506 of the Indian Penal Code, 1860. It appears that initially, the police submitted a final report upon completion of the investigation. Thereafter a protest petition was filed by the opposite no. 2 before the learned Magistrate which was allowed on 27th July 2006. Following the said order of the learned Magistrate, a further investigation was carried out which resulted in filing the charge sheet in question.

It has been submitted by Mr. Chatterjee, learned advocate appearing for the petitioner that the charge sheet suffers from serious illegality, as it does not transpire that any new materials were collected by the investigating officer during further investigation that may justify the charge sheet in question.

I am of the view that a bare perusal of the charge sheet, *prima facie*, disclosed the commission of cognizable offence.

In that view of the matter, this revisional application is not entertained. The petitioner will be, however, at liberty to agitate all points raised in this application before the learned Magistrate in the Court below at the appropriate stage of the proceeding.

Needless to mention that the learned Magistrate shall consider the points without being influenced by the observations made in this order.

Accordingly, CRR 3948 of 2008 is disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kausik Chanda, J.)