

08.03.2022

Item No.14
Ct.No.34
dc.

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

C.R.R. 1657 of 2020

**Ujjal Prosad Chattopadhyay & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of the investigational proceedings in connection with Eco Park Police Station Case No. 158 dated 01.09.2020 (G.R. Case No.2058/2020) under Sections 420/406/506/323 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Barasat, North 24-Parganas.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Souradeep Banerjee ... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Mr. Shibaji Kumar Das,
Mr. A. Ahmed ... For the Opposite Party No.2.

Mr. Ganguly, learned senior advocate appearing for the petitioners challenges the continuance of the investigational proceedings in connection with Eco Park Police Station Case No. 158 dated 01.09.2020 (G.R. Case No.2058/2020). The contention of the petitioners is that the present case does not make out any offence under the provisions of Sections 420/406/506/323 of the Indian Penal Code and the petitioner no.1 was never handed over with any money. Even if the facts are accepted to be true, it is the petitioner no.2, who happened to be the Director of the Dairy Firm, who was carrying on business. The other submission of the learned senior advocate is that the present case has been instituted

with an oblique objective of recovering the amount for which the petitioners are not liable.

Mr. Sur, learned advocate appearing for the State produces the case diary and draws the attention of this Court to the materials collected by the investigating agency as also the statements so recorded.

Mr. Das, learned advocate appearing for the private opposite party no.2 submits that there are other materials which were collected in course of investigation of Purulia (Sadar) Police Station Case No. 123 dated 29.09.2020 and Rabindra Sarobar Police Station Case No. 169 dated 04.09.2020. Learned advocate submits that the documents so collected may be amalgamated along with the proceedings of the present case and be made part and parcel of the present investigation which is being conducted by Eco Park Police Station.

Having regard to the contentions advanced by the learned advocates for the petitioners, the State and the private opposite party no.2, I am of the opinion that the investigation at this stage has just commenced and the investigating authorities are in the process of collection of materials. It would be premature at this stage to assess the allegations made in the FIR in the background of the fact that some of the money was transferred by way of RTGS and there are oral statements of the complainant supporting the same.

In view of the aforesaid, I am of the opinion that it would be early to comment whether the allegations made in

the FIR do or do not make out an offence calling for interference by this Court. Accordingly, the prayers advanced on behalf of the petitioners are not accepted at this stage.

The petitioners would be at liberty to approach this Court after completion of investigation and the report under Section 173 of the Code of Criminal Procedure is filed by the Investigating Officer of this case.

In view of the submissions made by the private opposite party no.2, let the materials collected by the Investigating Officers of Purulia (Sadar) Police Station Case No. 123 dated 29.09.2020 and Rabindra Sarobar Police Station Case No. 169 dated 04.09.2020 be transmitted and handed over to the Investigating Officer of Eco Park Police Station.

The Investigating Officer of the Eco Park Police Station would continue with the investigation and submit his report under Section 173 of the Code of Criminal Procedure within a reasonable period of time.

With the aforesaid directions, the revisional application being CRR 1657 of 2020 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.)