

07.09.2022

Item No.33

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 25 of 2022

with

CRAN 1 of 2022

with

CRAN 2 of 2022

with

CRAN 3 of 2022

Amar Barman & Anr.

versus

The State of West Bengal & Anr.

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

Mr. Ayan Basu,
Mr. Samrat Das,
Mr. Deborshi Dhar ... For the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom ... For the State.

Mr. Ayan Basu, learned advocate appearing for the petitioners submits that in respect of the self-same property, earlier criminal case was preferred by the father of the present complainant which was registered as Matigara Police Station Case No. 45 of 2019 dated 27.01.2019. The present case has been instituted by the son being Matigara Police Station Case No. 1411 of 2021 dated 16.12.2021.

It is the contention of the petitioners that in the present case also allegations under Sections 468/471/420 have been made. To that extent, the allegations are same.

Mr. Luksom, learned advocate appearing for the State has produced the case diary and draws the attention of the Court to the injury report. The injury report reflects that

there was assault inflicted upon the complainant. It has also been informed that investigation of the case is in progressed. Having regard to the same, I direct that the Investigating Officer of the case would assess regarding the contents of Matigara Police Station Case No. 45 of 2019 dated 27.01.2019 and Matigara Police Station Case No. 1411 of 2021 dated 16.12.2021. If the allegations in respect of forgery are in relation to the same property concerned, in that case, the police officer would be entitled to submit his report under Section 173 of the Code of Criminal Procedure in respect of other allegations (if at all), but not in respect of the allegations relating to forgery.

With the aforesaid observations, the revisional application being CRR 25 of 2022 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications 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.)