

Court No. 3
Item 7
Sk & Ali
03.08.2022

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRR 136 of 2019

**Santanu Chakraborty
Vs.
The State of West Bengal & Anr.**

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

Mr. Deborshi Dhar
.....for the petitioner.

Mr. Aditishankar Chakraborty
Mr. Nilay Chakraborty
.....for the State.

Ms. Esha Acharya
.....for the O.P.No.1.

The petitioner has filed the present revisional application for quashing of the proceedings being Matigara police Station Case No. 402 of 2018 dated 07.08.2018 under Sections 406/420/467/468/471/472/120B/34 of the Indian Penal Code (corresponding to G.R. Case No. 2135 of 2018) pending before the learned Judicial Magistrate, 3rd Court, Siliguri, District-Darjeeling.

The factual matrix of the case is that the opposite party no. 2/complainant lodged an FIR at Matigara Police Station alleging, inter alia, that in the month of January, 2012 the opposite party No. 2 complainant was in search of suitable plot of land for developing residential complex/flats or other project and the petitioner, who is an Advocate, came with accused No. 2, Gurucharan Roy and informed the complainant that they have got suitable plot in the name of accused No. 2 under R.S. plot No. 351 & L.R. plot No. 388, 389, 390, L.R. Khatian

No. 358, Mouza-Bairitishal, P.S. Matigara, District-Darjeeling measuring 53 Kattahs which they intend to sell off. The title deeds of the aforesaid land were pending finalization for payment of deficit stamp duty. The price of the land was fixed at Rs.2, 80,000/- per Kattah. The petitioner being an Advocate was entrusted to search the property and he informed the complainant that the land has a very good title in the name of accused no 2 and one of his partners. On physical verification one North Bengal Spun Pipe Industry was found in possession. On being asked the accused persons informed that the industry is run by their relatives and they will vacate. Ultimately on being convinced by representation of the petitioner and other accused person the complainant entered into an agreement and paid Rs. 8,00,000/-. The complainant further paid a sum of Rs. 3,50,000/- for construction of boundary wall and also purchased building materials to the tune of Rs. 4,72,157/-. However, after some period of time it was detected that part of the land belonged to some other person. The record of rights was forged. The accused person failed to refund the money on being approached and the complainant was duped and cheated.

On such basis Matigara P.S. Case No. 402 of 2018 came to be registered. Being aggrieved by and dissatisfied with such proceeding, the petitioner has preferred the present revisional revision.

Learned advocate for the petitioner submits that the

petitioner being a practicing advocate of Siliguri Court has only drafted the agreement for sale and is no way connected with the alleged offence and as such the proceeding initiated against him should be quashed in the interest of justice.

Learned advocate appearing on behalf of the opposite party no. 2/complainant submits that no settlement has been arrived between the petitioner and the complainant and the petitioner has failed to appear before the court for which warrant of arrest has been issued by the trial court. She, however, submits that payments have been made by accused No. 2, Gurucharan Roy. She prays for dismissal of the application.

Mr. Aditishankar Chakraborty, learned Additional Public Prosecutor along with Mr. Nilay Chakraborty, learned advocates appearing on behalf of the State submits that on the basis of primary materials collected during the course of investigation, charge-sheet has been submitted in this case and prays for dismissal of the revisional application.

It is found from the copy of the charge-sheet appended to the revisional application that after completion of investigation, the investigating agency has submitted charge-sheet against the petitioner and one other under Sections 406/420/467/468/471/472/120B/34 of the Indian Penal Code on the basis of prima facie materials collected during the course of investigation. Considering such materials as indicated above, the proceedings before the trial court does not

call interference.

However, it is made clear that the observation made hereinabove shall not have bearing on the rights and contention of the parties before the trial court.

Accordingly, the present revisional application is dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)