

09.09.2022

Item No.30

Ct.No.2

dc.

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

C.R.R. 146 of 2021

**Sudish Kumar Yadav
versus
The State of West Bengal & Ors.**

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

Mr. Aditi Shankar Chakraborty,
Mr. Tapan Bhattacharjee,
Mr. Sagnik Sankar Sikdar

... For the State.

This revisional application was preferred challenging the order dated 12.03.2020 passed by learned Chief Judicial Magistrate, Jalpaiguri in connection with G.R. Case No. 3563 of 2017 arising out of Bhaktinagar Police Station Case No. 807 of 2017 dated 23.08.2017.

I find that on the basis of a letter of complaint of the present petitioner, the case was registered by the police station and the investigating authorities on conclusion of investigation submitted their report under Section 173 of the Code of Criminal Procedure wherein the opinion expressed by the Investigating Officer was that the dispute being civil in nature and as such, final report has been submitted.

I have considered the basic allegation made by the complainant in the letter of complaint which is for recovery of outstanding dues. Having regard to the same, I am of the opinion that the prayer of refusal for further investigation and acceptance of the final report by the learned Magistrate do

not suffer from any illegality. Accordingly, the order dated 12.03.2020 passed by the learned Chief Judicial Magistrate, Jalpaiguri is hereby affirmed.

The revisional application being CRR 146 of 2021 is, thus, dismissed.

However, if on the selfsame issue, the petitioner has documents in his custody, in that case, the petitioner would be at liberty to take out an application under Section 200 of the Code of Criminal Procedure and the learned Magistrate taking into consideration that already FIR was lodged and the same ended in a final report would consider whether process should be issued or not.

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.)