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

C.R.R 164 of 2022

In Re: An application under Sections 482 & 401 of the Code of
Criminal Procedure, 1973;

Jayanta Nag and others
Versus
The State of West Bengal and another

Mr. Satarudrzya Mukherjee,
Mr. Debjit Kundu.
...for the petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly.
...for the State.

Mr. Anirban Banerjee,
Mr. Debasish Mukhopadhyay,
Ms. Madhushri Dutta.
...for the opposite party no.2.

The petitioners have challenged FIR and charge-sheet submitted in connection with New Jalpaiguri Police Station Case No.253 of 2019 dated 24.03.2019. The said case was registered under the provisions of the Indian Penal Code and the provisions of SC/ST (Prevention of Atrocities) Act, 1989.

I have considered the submissions advanced by the learned advocate appearing for the petitioners. I have also considered the statement of the witnesses appearing in the case diary as well as the relevant documents.

Learned advocate appearing for the opposite party no.2 opposes the contentions advanced by the petitioners particularly with regard to the availability of the petitioners at the time of commission of offence as also the issue regarding a civil dispute being given a cloak of criminal proceeding.

There are other points which have been raised by the learned advocate for the petitioners regarding the petitioner no.1 being engaged in the medical treatment of his wife at the relevant stage. The issue so raised is a plea of alibi which cannot be considered at this stage when a proceeding is to be terminated.

Having regard to the submission advanced by the petitioners, I am of the opinion that the petitioners would be at liberty to canvass the points raised in the present revisional application at the appropriate stage of the trial and in the final arguments of the case.

With the aforesaid directions, CRR 164 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

