

05.07.2023
Serial no. 24
[G.S.D]

CRR 277 of 2022

RE: An Application under Section 482 of the Code of Criminal Procedure, 1973;

In the matter of : Sumanta Biswas

... .. Petitioner

Mr. Jayanta Narayan Chatterjee

Ms. Moumita Pandit

Mr. N. Ahmed

Ms. Jayashree Patra

Ms. R. Banerjee

Ms. P. Sinha

Mr. Bhaskar Mondal

... .. For the Petitioners

Mr. S. Bhattacharyya

Ms. Bidisha Chakraborty

... for the O.P. No.2

Mr. Madhusudan Sur

Mr. Dipankar Paramanick

... for the State

Mr. Chatterjee, Learned Advocate appearing for the petitioner, submits that the petitioner has not approached the Criminal Court with clean hands as the present case was a counter-blast to the earlier information lodged by the petitioner before the appropriate authorities.

Learned Advocate has drawn the attention of the Court to the other cases which were registered wherein the present petitioner's wife was forcibly administered poison. Learned Advocate further submits that a sum of Rs. 7 lakh was taken by the complainant and, thereafter, disturbances, implications in false cases and there were threatening at her instances foisting heinous offences upon the present petitioner and/or his family members.

The petitioner had approached this Court at a stage when the investigation of the case was in progress.

It has been informed on behalf of the State that presently charge-sheet has been submitted and the next date has been fixed for supply of copies to the accused persons.

The basis of prayer advanced for quashing on behalf of the petitioner is on the foundation of mala fide. However, the investigation having been concluded and there are number of criminal cases which have been instituted at the instance of the petitioner and the same cannot be ignored and should be taken into consideration.

Accordingly, at this stage, I direct the petitioner, if so advised, to take out an application under Section 227 of the Code of Criminal Procedure before the appropriate forum which will not only include the documents relied upon by the prosecution but also other criminal cases which are pending and has been initiated at the instance of the present petitioner.

The Learned Trial Court would consider the same to give an independent finding without being influenced by any of the observations made by this Court at this stage while disposing of this revisional application.

With the above observations, **CRR 277 of 2022** along with the connected application(s), if any, is **disposed of**.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)