

16.02.2023
Court No.13
Item No.20
AP

RVW 24 of 2023
With
IA NO: CAN 1 of 2023

Sri Rampada Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Sunit Kumar Roy
Mr. D. Maitra

... For the review applicant.

Mr. Anirruddha Bhattacharyya
Mr. Indranuj Dutta

... For the respondent in the review application/
writ petitioner in WPA 9253 of 2021.

Review is sought against an order dated 25th
November, 2022 passed in WPA 9253 of 2021.

The principal ground urged is that on the
petitioner's complaint dated 4th March, 2020 Hasnabad
Police Station has already registered FIR No.230 of 2020
dated 7th April, 2020.

Counsel for the writ petitioner, respondent in the
review application submits that his client was not aware of
the registration of FIR No.230 of 2020.

The review applicant places reliance upon a
judgement of the Hon'ble Supreme Court dated **23rd**
August 2022 in the case of **Tarak Dash Mukharjee and**
Ors. Vs. State of Uttar Pradesh and Ors. in **Criminal**
Appeal No.1400 of 2022 in support of the proposition
that there cannot be two FIRs in respect of the selfsame
facts, complaint and accused persons.

This Court notes that the order dated 25th November, 2022 was passed without being notified of the pending FIR No.230 of 2020.

Hasnabad Police submits that instructions have been issued to the State Advocate informing registration of FIR No.230 of 2020. But the State was not represented on that date.

However, without causing any prejudice to any parties, this Court only directs that the second FIR registered being Hasnabad Police Station Case No.585/22 dated 3rd December, 2022 shall be kept in abeyance permanently.

Section 409 of the IPC and section 13(i)(a) of the Prevention of Corruption Act, 1988 shall stand included for investigation into FIR No.230 of 2020. All the materials in connection with the second FIR being No.585/22 dated 3rd December, 2022 shall be treated by the Hasnabad Police as part of the investigation into FIR No.230 of 2020.

With the aforesaid direction, the application being RVW 24 of 2023 shall stand disposed.

In view of the disposal of the review application, connected application being CAN 1 of 2023 shall also stand disposed of.

There shall be no order as to costs.

The report of the Inspector-in-Charge, Hasnabad Police Station, Basirhat Police District dated 10th February, 2023 is kept with the record.

Let WPA 9919 of 2020 be detached from the instant proceedings and be added along with CPAN 98 of 2023.

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

(Rajasekhar Mantha, J.)