

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 559 of 2023

**Sk. Murtoja @ Sk. Murtaja and Others
Vs.
The State of West Bengal & Anr.**

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
...for the petitioners

Item No. 28

Heard & Judgment on: 20.03.2023

Bibek Chaudhuri, J.

On the basis of a written complaint submitted by the opposite party No.2 Kolaghat Police Station Case No. 13 of 2022 dated 13th January, 2022 under Sections 447/436/427/34 of the Indian Penal Code was registered. Police submitted charge sheet against the

accused under the above mentioned penal provisions which gave rise to G.R. Case No. 114 of 2022.

It is submitted by the learned advocate for the petitioners that there is long standing dispute with regard to land between the petitioners and the opposite party No.2. The opposite party No.2 previously lodged a complaint with the police but the police submitted final report in favour of the petitioners.

In the instant case police submitted charge sheet without having any corroborative evidence with regard to the allegation that the accused persons set fire in the grocery shop of the de facto complainant.

I have carefully perused the charge sheet. During investigation police seized some burnt pieces of bamboo, one burnt wooden cot, one burnt wooden door and burnt boxes of plastic of different sizes from the shop of the de facto complainant. Prima facie there is no doubt that the grocery shop of the de facto complainant was gutted by fire. It is pointed out by Mr. Mukherjee, learned advocate for the petitioners that only the de facto complainant and his wife are the eye witnesses of the occurrence and there is no body in the village who could see the incident and the role of the accused persons in committing the offence. The said issue shall be decided during trial. The revisional Court is not in a position to appreciate or to find out

whether the evidence collected by the Investigating Officer is sufficient to warrant conviction of an accused or not.

In view of such circumstances, I do not find any merit in the instant revision and accordingly the application is summarily dismissed.

(Bibek Chaudhuri, J.)