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18.01.2023
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C.R.R.412 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Ratan Karmakar and others
Versus
The State of West Bengal and another

Mr. Kamalesh Chandra Saha,
Mr. M. Saha.
...for the petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.
...for the State.

The present revisional application has been preferred challenging the continuance of Hingalganj Police Station Case No.101 of 2019 dated 10.07.2019 under Sections 379/420/120B/406/506/34 of the Indian Penal Code corresponding to G.R. Case No.2534 of 2019 pending before the learned Additional Chief Judicial Magistrate, Basirhat, District-North 24 Parganas.

The Investigating Agency on conclusion of investigation submitted charge-sheet before the jurisdictional court.

It has been brought to the notice of this Court that on the selfsame issues two cases have been registered at Hingalganj Police Station; one by way of letter of complaint addressed to the Officer-in-Charge, Hingalganj Police Station and the other by way of

an application under Section 156(3) of the Code of Criminal Procedure wherein the learned Magistrate was pleased to direct registration of the FIR.

I have considered the contents of M.P. Case No.169 of 2019, the time period which has been referred to over there as also letter of complaint and on an assessment of the same, I am of the opinion that the petitioners have been able to make out and satisfy the principles of “test of sameness”. Consequently, further proceedings arising out of Hingalganj Police Station Case No.101 of 2019 dated 10.07.2019 under Sections 379/420/120B/406/506/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Basirhat, District-North 24 Parganas is hereby quashed.

Accordingly, CRR 412 of 2021 is allowed.

Pending application, if any, is consequently disposed of.

It is directed that the learned trial court would allow the prosecution to transfer all the materials collected in connection with Hingalganj Police Station Case No.101 of 2019 to be clubbed/amalgamated, if required in connection with Hingalganj Police Station Case No.10 of 2019 dated 23.01.2019 and use the same in course of trial.

Department is directed to communicate this order to the learned Additional Chief Judicial Magistrate, Basirhat, District-North 24 Parganas preferably within a fortnight from date.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)