

20-09-2023
Subha
Item no. 215
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 800 of 2023
CRAN 1 of 2023

Debashis Choudhury
-versus-
State of West Bengal & Anr.

Mr. Sourav Chatterjee
Mr. Narayan Chandra Ghosh
Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
.....for the petitioner.

Mr. Madhusudan Sur, Id APP
Mr. Dipankar Paramanick
...for the State.
Dr. Leena Sarkar
...appearing in person for o.p no.2.

Mr. Chatterjee, learned advocate appearing for the petitioner has challenged the continuation of the proceedings arising out of Cyber Police Station Case No. 56 dated 10-06-2019 wherein the chargesheet was submitted under Section 66C of the Information and Technology Act, 2000 and Sections 120B/469/471 of the Indian Penal Code.

Learned advocate for the petitioner submits that the Investigating Agency has failed to make out a case of any wrongful gain and wrongful loss and the present case is a counter-blast to the matrimonial dispute wherein the present provision has been invoked for pinning down the present petitioner for further harassment.

Learned advocate for the State submits that the Investigating Agency has already concluded the investigating and prima facie a case has been made out. The documents under Section 207 of the Code of Criminal Procedure are yet to be

supplied to the petitioner.

The de facto complainant appears in person and submits that two of the accused against whom she has alleged have been left out in the chargesheet and she intends to pursue the case against them. She further submits that an application under Section 173(8) of the Code of Criminal Procedure has been filed which is pending for adjudication before the learned C. M. M., Calcutta.

Having considered the factum that a prayer for further investigation is still pending, I am of the view that the petitioner has approached this court at a premature stage. The learned C.M.M, Calcutta will take steps to arrive at a finding regarding the application under Section 173(8) of the Code of Criminal Procedure and thereafter proceed in accordance with law.

With the aforesaid observations, the revisional application being CRR 800 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

