

19-12-2023
Subha
Item no. 07
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 935 of 2022

Manish Ghosh alias Manish Kumar & Ors.
-versus-
State of West Bengal and Anr.

Mr. Subhendu Bhattacharya
Ms. Joyeeta Adhikary
Mr. Masikul Shaikh

.....for the petitioners.

Mr. Imran Ali
Mrs. Debjani Sahu

....for the State.

The present application has been preferred challenging the proceedings arising out of Bagnan P. S. Case No. 223 dated 16-07-2020 under Section 406 of the Indian Penal Code in CRR 2330 of 2021.

This court was pleased to observe as follows :_

“Having considered the provisions of test of sameness so far as the second case is concerned, I am of the opinion that the continuance of the second case is an abuse of the process of court. Accordingly, all further proceedings of Bagnan Police Station Case No.223 dated 16.07.2020 are quashed.”

Petitioners are covered by the findings in CRR 2330 of 2021. Accordingly, the proceedings against the present petitioners relating to the Bagnan P. S. Case No. 223 dated 16-07-2020 is also quashed.

Accordingly, the revisional application being CRR 935 of 2022 is allowed.

Pending any other applications, if any, are consequently disposed of.

However, as directed earlier, the investigation relating to Bagnan P. S. Case No. 289 of 2021 dated 29-09-2021 would continue and the same will have no

effect so far as the findings in respect of Bagnan P. S. Case No. 223 dated 16-07-2020 is concerned.

Report so submitted by the SI of Police, Bagnan PS, Howrah Rural District through the learned advocate for the State be kept with the record.

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]