

06.01.2023
S/L No.33
KS

C.R.R. 662 of 2021
Dipak Das
-Vs.-
The State of West Bengal & Ors.

Mr. Dipayan Kundu
.....For the Petitioner
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
.....For the State

The revisional application was preferred challenging the proceedings being, Manicktala Police Station Case No.253/2018 dated July 22, 2018 under Sections 401(A) of the K.M.C. Act, 1980. The petitioner has challenged the continuation of the proceedings. In this revisional application, the First Information Report alongwith the letter of complaint as also the charge-sheet has been enclosed, however, none of the documents relied upon by the prosecution has been enclosed in the revisional application.

Learned advocate appearing for the petitioner submits that the case was instituted for unauthorized construction and the petitioner has got no nexus with the property which is the subject-matter of the case before the Learned Magistrate.

Learned advocate appearing for the State submits that the charge-sheet has been submitted before the Jurisdictional Court and there has been substantial progress in the case including the commencement of the

evidence. The order dated 03.03.2021 which has been referred to this Court reflects “fixed for evidence”.

Taking into account the fact that the petitioner approached this Court at a stage when charge-sheet was submitted and subsequently, the case has progressed to the stage of evidence, I am of the view that no interference can be made at this stage in respect of the issue canvassed by the petitioner. However, petitioner would be at liberty to agitate the points canvassed in this revisional application in course of the trial and at the stage of final arguments of the case before the Learned Magistrate.

With the aforesaid observations, C.R.R. 662 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon’ble Court.

(Tirthankar Ghosh, J.)