

11-04-2023
Subha
Item no. 76 &
77
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

**C.R.R 1057 of 2021
With
CRAN 2 of 2022**

**Arun Sharma & Anr.
-versus-
Vijay Bavishi & Anr.**

with

**C.R.R 1288 of 2021
With
CRAN 2 of 2022**

**Bhaskar Kundu & Anr.
-versus-
Vijay Bavishi & Anr.**

Re : An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

...for the petitioners in CRR 1057/21.

Md. Anwar Hossain,
Ms. Sreyashee Biswas

...for the State in CRR 1057 of 2021.

Mr. P. K. Dutta, Id APP,
Mr. Subroto Roy

....for the State in CRR 1288 of 2021.

AS both the revisional applications arise out of the same complaint case being AC 4112 of 2018, the same is disposed of by a common and single order.

Report submitted by the Inspector of Police, Nadial P. S., Kolkata Police through Mr. Hossain, learned advocate appearing on behalf of the State be kept with the record.

Report submitted by the Officer-in-Charge, Nadial P. S., Kolkata

Police through Mr. Subroto Roy, learned advocate appearing on behalf of the State be kept with the record.

The subject matter of both the revisional applications relate to challenge in respect of the process issued in connection with Complaint Case No. AC 4112 of 2018 under Sections 408/420/467/468/471/506/120B of the Indian Penal Code pending before the learned Judicial Magistrate, 7th Court, Alipore, 24 Parganas(South) as well as the examination under Section 207 of the Code of Criminal Procedure.

Having regard to such contentions advanced, I am of the view that no case for interference by this court has been made out at this stage.

Petitioners are yet to appear before the learned trial court. I direct that in case the petitioners appear personally or through their pleader, the learned Magistrate would after appearance is complete allow the complainant to adduce his evidence and complete the same within the statutory period as provided under Sections 245 of the Code of Criminal Procedure. Petitioners would be at liberty to pray for discharge if the period so specified under Section 245(2) Cr. P.C(West Bengal Amendment) Act, 1988 is not complied with.

With the aforesaid observations, the revisional applications being CRR 1057 of 2021 and CRR 1288 of 2021 are disposed of.

Needless to state that this court has not entered into the merits so far as the issues relating to documentary proof is concerned.

The learned trial court would consider the same in the background of the allegations after appreciating the documents tendered in support of the case.

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]