

03.05.2023

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Ct. No. 29

CHC

C.R.M.(A) 1480 of 2023
IA NO: CRAN/1/2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection to G. R. Case No.1998 of 2022 corresponding to Howrah Police Station Case No.173/2022 dated 02.04.2022 under Section 417/467/468/471 of the Indian Penal Code, 1860.

And

In the matter of : Kumar Om Prakash Singh
@ Kumar Om Prakash

..... petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. S. K. Singh,
Mr. Souvik Das,
Mr. Ayan Mondal,
Mr. Samsher Ansari
....for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Arabinda Manna
....for the State

Mr. Dipanjan Dutt,
Mr. Surajit Saha
....for the de facto complainant

The petitioner, State and the de facto complainant are represented.

The application is taken up for consideration subsequent to the order dated April 20, 2023. Petitioner in the present case

was enlarged on anticipatory bail by an order dated April 11, 2023. The following finding of fact appears in such order:-

“The issue as to whether the document is forged or not is an issue which needs to be decided in the civil suit which is pending.”

Learned advocate appearing for the petitioner submits that relevant document annexed to the application for anticipatory bail will establish that the civil suit in which, the document in question was the subject-matter, was dismissed but, an application for review of the High Court's order is still pending in respect thereof.

It appears from the materials made available to Court, that the petitioner filed a civil suit in which, the document in respect of which forgery is being claimed in the present police complaint was the subject-matter of such civil suit. In such civil suit, initially an order of injunction was passed.

The trial Court rejected an application under Order 7 Rule 11 of the Code of Civil Procedure, 1908. A revisional application was carried to the High Court which allowed the revisional application and rejected the suit. Against the order of the High Court, a Special Leave Petition was filed, which was ultimately allowed to be withdrawn by the Hon'ble Supreme Court with liberty to take steps. A review petition is pending before the High Court in respect of the revisional application. There are number of civil and criminal proceedings between the

private parties. In any event civil disputes seem to be still pending between the private parties.

In such circumstances, the portion of the order dated April 11, 2023 recording as follows:-

“The issue as to whether the document is forged or not is an issue which needs to be decided in the civil suit which is pending.”

is recalled.

The same be substituted with the words as follows:-

“Apparently, the disputes between the private parties are still under consideration by a civil Court”.

The department will incorporate such corrections in the order dated April 11, 2023.

C.R.A.N.1 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)