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08.06.2023
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C.R.R. No.1489 of 2023
With
CRAN 1 of 2023

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Anita Gupta and another
Versus
The State of West Bengal and another

Mr. Amit Ranjan Pati.
...for the petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

In Re: CRAN 1 of 2023

The petitioners have prayed for condoning the delay of 37
days in preferring the present revisional application.

Having considered the reasons so assigned in the
application for condoning the limitation, I find the same are found
to be just and sufficient. Accordingly, the delay is condoned.

Thus, CRAN 1 of 2023 is allowed.

In Re: CRR 1489 of 2023

The revisional application is taken up for hearing.

Petitioners are directed to serve a copy of the revisional
application upon Mr. Ranabir Roy Chowdhury, learned advocate,
who ordinarily appears on behalf of the State. His appointment may
be regularised by the concerned authorities.

I have considered the subject matter of challenge being
the order dated 15.12.2022 wherein the learned trial court refused

to discharge the present petitioners in respect of their application. There is a specific observation of the learned trial court and submission on behalf of the State that the father of the accused persons borrowed from the bank by mortgaging the property and after his death the mortgage property was sold out by the present petitioners having knowledge about loan and, as such, the petitioners are responsible for the offences for which they have been charged. Learned trial court thereafter was pleased to fix a date for framing of charge.

Having considered to the subject matter of the case, I am of the view that there is no illegality in the order passed by the learned trial court. Accordingly, no interference is called for.

Thus, CRR 1489 of 2023 is dismissed.

Pending application, if any, is consequently dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)