

07.12.2023
Serial no. 21
[G.S.D]

CRR 1506 of 2023

In the matter of : Abhijit Sarkar

... .. Petitioner

Mr. Dilip Kumar Samanta

Mr. Biswapriya Samanta

... *For the petitioner*

Ms. Manisha Sharma

... for the State

The petitioner is directed to serve upon Ms. Manisha Sharma, Id. advocate, who ordinarily appears on behalf of the State. Her appearance may be regularized by the concerned authority.

The revisional application relates to Survey Park P.S. Case No. 64 of 2021 dated 26.3.2021 under Sections 392/610 which is punishable under Sections 401A of the KMC Act.

Ld. advocate for the petitioner submits that the petitioner is innocent of the charges and have been falsely implicated in connection with the instant case and he has been asked to face the ordeal of investigation proceedings.

I find from the records of the case that only formal FIR and the order sheets have been enclosed. The

investigation commenced on 26.3.2021. More than two years and nine months have passed since then.

Having regard to the fact that either by this time charge-sheet has been submitted before the Id. jurisdictional court or is at the final stage of submission, I am not inclined to interfere with the proceedings at this stage.

Relying upon CRR 2221 of 2019, Id. advocate for the petitioner emphasizes that no ingredient of the offence has been made out in the FIR. The formal FIR reflects that an additional floor was being constructed without any sanction plan that makes out an offence under the relevant provisions of the Municipal laws. If the petitioner is in possession of the sanction plan, that has to be produced before the investigating agency. This court will not go into the truth or falsity of the allegations at this stage.

With the aforesaid observations, CRR 1506 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)