

04.07.2023

Item No.26
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1800 of 2022

In the matter of : **Ashok Kumar Hazra @ Ashok Hazra**
... Petitioner.

Mr. Pawan Kumar Gupta,
Mr. Subrata Mukherjee,
Ms. Sofia Nesar,
Mr. Santanu Sett ... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Koushik Kundu ... For the State.

Mr. Sk. Jayed Hossain,
Ms. Afreen Begum,
Mr. Amit Ranjan Pati
... For the Opposite Party Nos. 2 to 6 and 8 & 9.

The present revisional application was preferred challenging the order dated 08.03.2022 passed by learned District and Sessions Judge, Purba Medinipur in Criminal Revision Case No. 57 of 2020 wherein the learned Sessions Judge was pleased to affirm the order dated 21.11.2020 passed by learned Chief Judicial Magistrate, Purba Medinipur in G.R. Case No. 2282 of 2019 corresponding to Kolaghat Police Station Case No. 424 of 2019 dated 17.10.2019.

The summary of the order was in respect of rejecting the prayer for further investigation preferred at the instance of the present petitioner viz. Ashok Kumar Hazra @ Ashok Hazra who happens to be the *de facto* complainant of the case. The petitioner has also challenged the order dated 21.11.2020 passed by the learned Chief Judicial Magistrate, Purba Medinipur in the same case.

I have considered the order dated 21.11.2020 passed by the learned Chief Judicial Magistrate, Purba Medinipur

wherein the learned Chief Judicial Magistrate has observed that the *de facto* complainant was the ex-Manager of Baishnabchak Anchal Samabay Krishi Unnion Samity Ltd. It has been taken into account that the complainant executed a sale deed to the said Samity and the investigating authority's assessment was that the same was done on his own accord.

Mr. Gupta, learned advocate appearing for the petitioner has contested the issue over the finding so far as 'own accord' is concerned. According to him, it was a case of extortion and there was another property which was forcefully taken away by the accused in the said case.

The learned sessions court in its revisional jurisdiction has categorically observed that the subject-matter of Kolaghat Police Station Case No. 424 of 2019 dated 17.10.2019 and Kolaghat Police Station Case No. 131 of 2018 dated 23.03.2018 are relating to the selfsame incident and as such, both the learned courts i.e. the learned Magistrate and the learned Sessions Judge refused the prayer under Section 173(8) of the Code of Criminal Procedure advanced on behalf of the petitioner. As both the learned courts below have based their findings on factual assertions and their findings cannot be ruled out, I am of the opinion that the orders under challenge do not call for any interference.

Accordingly, the order dated 08.03.2022 passed by the learned District and Sessions Judge, Purba Medinipur in Criminal Revision Case No. 57 of 2020 is hereby affirmed.

However, Mr. Gupta, learned advocate for the petitioner contested regarding the phrase 'own accord' used by the

learned courts below while refusing further investigation and as according to him, it was a case of extortion, I grant liberty to the petitioner, if so advised, to prefer a complaint under Section 200 of the Code of Criminal Procedure. The petitioner would adduce his own evidence to establish his case and the learned Magistrate would in the circumstances proceed in accordance with law.

With the aforesaid observations, the revisional application being CRR 1800 of 2022 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)