

28-03-2023
Subha
Item no. 30
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1416 of 2021

Sk. Moni & Anr.
-versus-
The State of West Bengal

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

.

Mr. Arijit Ganguly
Mr. Koushik Kundu

...for the State.

None appears on behalf of the petitioners or for the State. Accordingly, Mr. Arijit Ganguly, learned advocate who usually appears on behalf of the State is directed to appear on behalf of the State. His appearance may be regularized by the concerned authorities in due course.

The revisional application was preferred challenging the continuance of Rajapur P. S. Case No. 306 of 2020 dated 03.10.2020 under Sections 448/323/506/34 of the Indian Penal Code.

The thrust of contentions as advanced in the revisional application relates to previous civil dispute for the purposes of which the present case has been initiated.

The petitioners approached this court at the nascent stage and the only document which has been enclosed along with the application so far as the criminal case is concerned is the FIR. The other documents include those relating to the order passed by the

learned Civil Judge(Junior Division), 1st court, Uluberia. While assessing a proceeding under Section 482 of the Code of Criminal Procedure particularly wherein the prayers are advanced in quashing, this court is to consider the probability and the factors, which may be involved for continuation of the proceedings. There may be civil dispute but at the same time there are offences under Sections 323/506 IPC being made out so far as the allegations are concerned apart from Sections 448/334 of the Indian Penal Code.

Considering the issues, which have been canvassed, I am of the opinion that the present revisional application has been preferred at a premature stage and no interference is called for.

However, the petitioners would be at liberty to canvass such points at the appropriate stage of the proceedings.

With the aforesaid observations, the revisional application being CRR 1416 of 2021 is disposed of.

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]

