

18.05.2023

Item No.11

Ct.No.34

dc.

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

C.R.R. 1481 of 2021

**Shribas Das
versus
The State of West Bengal & Anr.**

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

Mr. Baidurya Ghosal ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Abhra Mukherjee,
Ms. Manisha Sharma ... For the State.

The present revisional application has been preferred for quashing of the first information report relating to Bowbazar Police Station Case No. 258 dated 23.09.2019 corresponding to G.R. Case No. 909 of 2019 under Sections 407/420/120B of the Indian Penal Code.

Mr. Ghosal, learned advocate appearing for the petitioner submits that prior to Bowbazar Police Station Case No. 258 dated 23.09.2019 being registered, another case was registered at Shibpur Police Station being Shibpur Police Station Case No. 320 dated 03.09.2019 under Sections 407/420/465/467/468/120B of the Indian Penal Code. The said case was investigated by the CID, West Bengal (Railway & Highway Crime Cell) and submitted charge-sheet wherein it was categorically observed that as no evidence regarding involvement of the present petitioner could be established, he may be discharged from the case.

In course of hearing of this revisional application, report was called for. The State submitted report before this

Court. Learned Public Prosecutor, on instructions, submitted the memo of evidence prepared by the CID as well as the concerned officer attached to Bowbazar Police Station. Let the same be kept on record.

On assessment of the subject-matter involved in both the cases, I find that the FIR relates to the same subject-matter. The CID being a specialised investigating agency wherein the petitioner after investigation was discharged, I am of the view that further proceedings relating to Bowbazar Police Station Case No. 258 dated 23.09.2019, so far as the present petitioner is concerned, should not be allowed to continue. Accordingly, the proceedings and/or any orders passed in connection with Bowbazar Police Station Case No. 258 dated 23.09.2019, so far as the present petitioner is concerned, are hereby quashed.

The Officer-in-Charge, Bowbazar Police Station is directed to send all the records relating to this case to the CID, West Bengal particularly, the Railway & Highway Crime Cell. The Officer-in-Charge of the said department would take into account the materials collected by Bowbazar Police Station and thereafter take a decision as to whether further report is to be submitted before the jurisdictional court.

So far as the accused persons, who have been chargesheeted by the CID, are concerned, the case would continue against them before the jurisdictional court.

Accordingly, the revisional application being CRR 1481 of 2021 is allowed.

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

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 with all requisite formalities.

(Tirthankar Ghosh, J.)