

13-06-2023
Subha
Item no.52
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1719 of 2023

Niyamuddin Sekh alias Niamuddin Sk.

-versus-

State of West Bengal & Anr.

Mr. Md. Shafiul Alam

Md. Basir Layek

.... ..for the petitioner.

Petitioner has challenged the order dated 21.02.2023 passed by the learned Chief Judicial Magistrate, Purba Bardhaman in connection of Bardhaman P. S. Case No. 207 of 2023 dated 17.02.2023 under Sections 363/325/307/34 IPC.

Learned advocate for the petitioner submits that there is no existence of the complainant who has filed the litigation. No enquiry was conducted by the police authorities adhering to Section 157 of the Code of Criminal Procedure to ascertain regarding the correctness or genuineness of the allegations made therein. Petitioner was arrested and produced before the court and the FIR was registered in violation of the dictum of the Hon'ble Supreme Court delivered in the cases of *Lalita Kumari –vs- Government of Uttar Pradesh & Ors reported in (2014) 2 SCC 1* and *Priyanka Srivastava & Anr. –vs- State of Uttar Pradesh & Ors. reported in (2015) 6 SCC 287*.

Learned advocate has also referred to Photostat copies of documents relating to the vehicle and submitted that by initiation of such false cases, honest citizens are implicated and they are to face long standing trial.

I have considered the submissions advanced by the petitioner and I find that the First Information Report after being registered was placed before the learned Magistrate. There was no grievance expressed on 21.02.2023 before the learned Magistrate when the arrested accused was also produced before the court. Petitioner

may have issues which should have been taken before the police authorities. Repeatedly this court asked regarding the production of any document as to whether the identity of the complainant was brought to the notice of any police officer including the superior police officers. Petitioner could not answer or produce any document.

I have considered the contentions advanced in the revisional application and I find that the revisional application is without any merit and the same do not call for any interference.

Accordingly, the present revisional application being CRR 1719 of 2023 is dismissed.

. 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]