

May 12, 2023
AD – 6
Ct. 34
SG

CRR 1567 of 2021

*In Re. An application under Section 482
read with Section 401 of the Code
Criminal Procedure.*

*Pratim Kumar Laha alias Pratim Laha
-versus-
The State of West Bengal and another*

Mr. Narayan Chandra Das
Mr. Ashok Kumar Chowdhury
Ms. O. Chowdhury
... for the petitioner.

Mr. Arijit Ganguly
Ms. Debjani Sahu
... for the State.

The petitioner viz Pritam Laha approached this Court as he has been implicated in connection with Balurghat Police Station Case No. 40 of 2020 dated 23.01.2020 wherein charge-sheet was submitted under Sections 420/406/379/34 IPC.

In the charge-sheet, I find that two documents have been relied upon by the prosecution. The same relates to a lease agreement with serial No.27 dated 27.12.2016 and a notary certificate which was issued by one Dilip Kumar Roy bearing serial No. 28 dated 27.12.2016.

In the letter of complaint addressed to the Inspector-in-Charge, Balurghat Police Station, the complainant viz Biren More alleged that by virtue of an agreement he was having a hatchery wherein the agreement persisted till 30th

April, 2021. The complainant was carrying on his business of fisheries in the lease property. In the meantime the lessor expired, when the accused persons prior to the period expiring trespassed in the scheduled property by breaking the padlock and thereby took away 4 tones of fish. The accused persons also took away 3 machines which were used for the purpose of irrigation. The total quantity of loss sustained was around Rs.15 lakhs because of such activities. As such the complaint alleges that the accused persons committed the offence of cheating/theft and criminal breach of trust. On the basis of the complaint, the aforesaid case was registered for investigation and on conclusion of investigation the police authorities submitted charge-sheet. I have considered the report under Section 173 of Cr.P.C. which includes 8 witnesses viz Biren More, Khokon Laha, Kablu Laha, Raju Das and 4 police personnels. I also assessed the contents of the statements under Section 161 of Cr.P.C.

Having regard to the materials which have been collected by the investigating agency in course of investigation, I am of the view that no materials could be collected which relate to offences under Sections 379/420/406 IPC. If the complainant has been disposed from the property prior to the lease expiring, in that case the complainant ought to approach the civil court and the jurisdictional civil court on an assessment of the

documents available with him, would grant appropriate relief. So far as the continuance of the present criminal case is concerned, the further proceedings of Balurghat Police Station Case No.40/20 dated 23.01.2020 under Sections 420/406/379/34 IPC including the charge-sheet filed therein would result in miscarriage of justice.

Accordingly, all further proceedings of Balurghat Police Station Case No.40/20 including charge-sheet filed therein is hereby quashed.

Thus, CRR 1567 of 2021 is allowed.

Case diary be returned to learned advocate for the State.

Pending 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 given to the parties upon compliance of the requisite formalities.

(Tirthankar Ghosh, J.)

