

D/L36
23.06.2023
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C.R.R.2265 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Sri Pankaj Kumar Sarkar
Versus
The State of West Bengal and another

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.
...for the petitioner.

Mr. Anwar Hossain,
Ms. Manisha Sharma.
...for the State.

Petitioner has challenged the continuance of
Bidhananagar Police Station Case No.77 of 2022 dated 09.09.2022
which was initiated on the basis of an application under Section
156(3) of the Code of Criminal Procedure filed at the instance of the
opposite party no.2.

Petitioner is directed to serve a copy of the revisional
application upon Mr. Anwar Hossain, learned advocate, who
ordinarily appears on behalf of the State. His appointment may be
regularised by the concerned authorities.

Petitioner is aggrieved by the fact that on the selfsame
incident another NGR case was initiated and the report in the NGR
Case do not create the foundation for cognizable offence.

Learned advocate submits that in spite of the same,
surreptitiously an order of investigation was obtained from the

learned ACJM, Bidhannagar.

Since the present case is being investigated by the concerned authorities, I am not inclined to interfere with mode and manner of investigation in respect of ascertaining the truth in respect of the allegations made. The Investigating Agency would take into account all the materials collected in the NGR case including the report and the findings therein while proceeding or progressing with the investigation of the present case before arriving at their conclusion under Section 173 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 2265 of 2023 is disposed of.

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 supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)