

D/L32
12.06.2023
Bpg.

C.R.R.2701 of 2022

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

Subhamoy Karak @ Shubamay Karak
Versus
Monalisa Chakraborty (Roy) and another

Mr. Mani Sankar Chattopadhyay,
Mr. Gopal Mondal.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Koushik Kundu,
Mr. Aniket Mitra.
...for the State.

Petitioner is directed to serve a copy of the revisional
application upon Mr. Saswata Gopal Mukherjee, Learned Public
Prosecutor appearing on behalf of the State.

Learned advocate for the petitioner submits that there
has been a settlement between the parties and the case was
registered on the basis of an application under Section 156(3) of the
Code of Criminal Procedure which was mistaken state of fact where
a loan agreement was described to be money taken for appointment
in Government jobs. Learned advocate submits that in the
meantime the amount which was given was refunded and the de
facto complainant is not willing to pursue the remedies as initially
referred to. To that effect, she has already communicated to the
Investigating Officer as well as filed an application before the
jurisdictional Magistrare.

Be that as it may, the Investigating Officer would assess

regarding the correctness of the statement particularly with regard to the fact whether the facts of the case arose out of loan agreement or fake appointments being given. The Investigating Officer on the basis of the same will file his report under Section 173 of the Code of Criminal Procedure before the learned trial court. The learned Magistrate within a month from the date of filing the report under Section 173 of the Code of Criminal Procedure will examine on dock after due compliance of the provisions of law the de facto complainant to the case. The petitioner would be at liberty to approach this Court only after the evidence of the de facto complainant is over.

With the aforesaid observations, CRR 2701 of 2022 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.)