

CRR 2650 of 2023

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Sakir Ahammed**

..... petitioner

Ms. Pampa Dey (Dhabal)

.... For the petitioner

Mr. Avishek Sinha

..... For the State

The petitioner is directed to serve a copy of the revisional application upon Mr. Avishek Sinha, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The learned advocate appearing for the petitioner submits that the case was initiated in the year 2017 and the chargesheet has been submitted in the year 2022. In the meantime, the Branch Manager of the bank has informed the police station that all the dues have been cleared by the petitioner and a 'no dues' certificate has been issued in favour of the petitioner.

The learned advocate further submits that under the relevant sub-section of Section 167 of Cr.P.C. an application was filed at the instance of the petitioner which is pending before the learned jurisdictional Court.

I have considered the submission advanced by the petitioner and is of the opinion that the petitioner should approach this Court after the documents under Section 207 Cr.P.C. are served and the petitioner has exhausted his remedy at the stage of consideration of the charges.

The learned trial Court would consider the issue regarding (1) whether the repayment was made prior to the F.I.R. being registered or post registration of the F.I.R.; (2) sofar as the other issues are concerned, the petitioner would be at liberty to take out application in the nature of Section 239/227 of the Cr.P.C. The learned trial Court would independently consider the same without being influenced by any observation made by this Court.

With the aforesaid observations, the revisional application being CRR 2650 of 2023 is disposed of.

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

All concerned parties shall act on the serve 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 requisition formalities.

(Tirthankar Ghosh, J.)