

August 10, 2023
AD-21
Ct. 34
SG

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRR 2839 of 2023

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

In the matter of: Saroj Kumar Ghorai @
Saroj Ghorai and another
... petitioners

Mr. Mujibar Ali Naskar
Mr. Sandip Kumar Mondal
... for the petitioners.

Mr. S.G. Mukherji, ld. PP
Mr. Koushik Kundu
... for the State.

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

Petitioners contend that Namkhana Police Station Case No.162/2023 dated 08.06.2023 was instituted out of mala fide because of civil disputes existing between the parties.

Learned advocate for the petitioners also relied upon WPA 16578 of 2023 wherein a Coordinate Bench was pleased to observe that the police authority shall keep a strict vigil at the locale so that there is no breach of peace taking place. Said order was passed on 27.07.2023. The instant case was initiated on 08.06.2023 for alleged

commission of offence under Sections 341/323/354/427/34 of IPC.

I have considered the allegations made in the FIR and the contentions so advanced.

The foundation of the petitioners for interference by this Court is on factual basis. The issues must be brought to the notice of the investigating agency regarding the truth or falsity in the allegations which have been made in the FIR.

Petitioners would be at liberty to produce all the documents relating to civil disputes which are existing between the petitioners and the complainant and/or family members.

The investigating agency would assess the same before arriving at a finding at the time of submission of the report under Section 173 Cr.P.C.

So far as the prayer of the petitioners are concerned, at this stage this Court is not inclined to interfere with the same.

Petitioners are granted liberty to approach this Court at the appropriate stage.

With the aforesaid observations, CRR 2839 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 be immediately made available to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)