

D/L3
21.08.2023
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C.R.R.3118 of 2022

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Jamirul Sekh @ Jayanta Sk.
Versus
The State of West Bengal and another

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

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan.
...for the State.

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

Petitioner has challenged the continuance of the proceedings being Narendrapur Police Station Case No.597 of 2022 dated 02.06.2022.

The offence complained of was registered in the month of June, 2022. More than one year has passed since the registration of the FIR.

Learned advocate appearing for the petitioner challenges the contents of the FIR particularly with regard to the allegations relating to cognizable offence and the description given by the complainant along with the factum that the complainant out of political vendetta initiated the instant case.

I have considered the submission of the learned advocate

appearing for the petitioner and I find that at the stage of invoking the jurisdiction under Section 482 of the Code of Criminal Procedure, the duty of the court is to see whether a case has been made out for investigation or not. The applicability of the sections is not a major issue for a court to exercise its jurisdiction under Section 482 of the Code of Criminal Procedure.

Having regard to the nature of the allegations made and the fact that the investigation has already commenced and is pending for more than one year, I am of the opinion that at this belated stage it would not be fit and proper to interfere with the investigation or its outcome. Petitioner would be at liberty to approach this Court at the appropriate stage of the proceedings. Petitioner is also granted liberty to produce the documents if any to substantiate his plea of innocence/alibi/other documents relating to pending disputes between the parties with the investigating officer or to a superior police officer.

With the aforesaid observations, CRR 3118 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.)

