

07.08.2023
Serial no. 4
[G.S.D]

CRR 3211 of 2022

In the matter of : Anuraj Bose

... .. Petitioner

Mr. Sanjib Kumar Mukhopadhyay

Ms. Aparupa Bhattacharya

Ms. Nargish Parveen

... For the Petitioner

Ms. Trina Mitra

... For the State

The petitioner is directed to serve a copy of this revisional application upon Ms. Trina Mitra, Learned Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authority.

The petitioner has challenged the charge-sheet, which has been submitted before the Learned ACJM, Barrackpore in connection with Naihati P.S. Case No. 483 dated July 11, 2018 under Section 465/468/471/420 of the I.P.C.

The Investigating Authority on completion of investigation arrived at a conclusion and have collected evidence to the effect that the mark-sheet, which had been issued, was not issued by the Board. If the mark-sheet itself

is not issued by the Board and the petitioner uses the mark-sheet for admission in the Bengal Institute of Technology and Management, Santiniketan, the same itself was completely illegal.

Without going into the details, I am of the opinion that this is not a fit case for exercising the jurisdiction under Section 482 of the Code of Criminal Procedure. As, *prima facie*, a case has been made out for trial, the petitioner would be at liberty to exercise its options in course of cross-examination and at the stage of defence evidence. No interference is made by this Court.

With the aforesaid observations, CRR 3211 of 2022 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)