

D/L22
24.08.2023
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C.R.R.3083 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure;

Tapas Kumar De @ Tapas De @ Tapas
Kumar Ghosh @ Tapas Ghosh and another
Versus
The State of West Bengal and another

Mr. Jayanta Narayan Chatterjee
Ms. Jayashree Patra.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Pravas Bhattacharya
Mr. Mirza Firoj Ahmed Begg.
...for the State.

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

Mr. Chatterjee, learned advocate appearing for the petitioners challenges the continuance of Indas Police Station Case No.59 of 2022 dated 24.06.2022 (G.R. Case No.512 of 2022). Learned advocate submits that on conclusion of investigation, charge-sheet has been submitted before the jurisdictional court and attention of the court was drawn to the documents which have been relied upon by the prosecution. Learned advocate also submits that there is every possibility in this case that because of

misunderstanding the case was initiated and the Manager and Cashier who have no liability have been implicated in connection with the instant case. Emphasis was laid on the fact that the wife of the complainant withdrew all the amount and closed the account and thereafter initiated the instant case.

Be that as it may, I find from the records of the case that the next date has been fixed on 18th May, 2024 for consideration of charges by the jurisdictional court.

Having regard to the issues which have been canvassed by the learned advocate appearing for the petitioners, I am of the view that the character of the documents so relied upon by the petitioners as well as the submissions require an initial scrutiny by the learned trial court at the stage of consideration of charges.

Accordingly, petitioners would be at liberty to take out an appropriate application for discharge prior to the charges being considered by the learned trial court. Learned trial court would consider the same in accordance with law without being influenced by any observations made by this Court. Needless to state that this Court has restricted its opinion so far as the disposal of the present revisional application is concerned and has not exercised its authority in respect of the merits of the case.

With the aforesaid observations, CRR 3083 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, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)