

M/L8
07.08.2023
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C.R.R.3471 of 2022

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

Vivekananda Lal and others
Versus
The State of West Bengal and another

Ms. Swarnali Saha
Mr. Sourjya Das
Ms. Poulami Bhowmick.
...for the petitioners.

Ms. Anasuya Sinha
Ms. Trina Mitra (Kundu).
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Ms. Anasuya Sinha, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

The subject matter of challenge relates to continuance of Andal Police Station Case No.333 of 2020 wherein charge-sheet was submitted under Sections 341, 323, 354B, 506 and 34 of the Indian Penal Code and Sections 3(1)(X) and (XI) of the SC & ST (POA) Act, 1989.

I have considered the submissions advanced on behalf of the learned advocate appearing for the petitioners that the present case has been initiated as a counter blast to an earlier case pending between the parties. I have also considered the contents of the FIR and the charge-sheet. This Court while exercising its inherent jurisdiction under Section 482 of the Code of Criminal Procedure is

to test the factual circumstances in the background as to whether a case is made out or a case is liable to be interfered with at the inception for being quashed.

I have considered the facts surfacing in the charge-sheet as well as the FIR along with some statements under Section 161 of the Code of Criminal Procedure which were placed before this Court.

Having considered the same, I am of the view that the facts of the case do not make out a foundation for interference by way of invoking inherent powers under Section 482 of the Code of Criminal Procedure.

Petitioners are granted liberty to approach the learned trial court at the stage of consideration of charges.

Learned trial court would consider the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 3471 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.)

