

30.08.2023

Item No.35
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3262 of 2023

In the matter of : **Syed Salehin Aksar & Ors.** ... Petitioners.

Mr. Kalyan Kumar Chakraborty,
Mr. Kasinath Bhattacharyya,
Mr. Asok Halder ... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The petitioners have challenged the proceedings relating to Kashipur Police Station Case No. 244 of 2023 dated 02.06.2023 under Sections 341/323/447/325/506/34 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that there is civil dispute between the parties and the present case is an outcome of the same. The learned advocate submits that the issue relates to the same factual circumstances and the application under Section 156(3) of the Code of Criminal Procedure was initiated by the complainant by incorporating an alleged story of assault which is a false and concocted fact.

This Court while exercising its jurisdiction under Section 482 of the Code of Criminal Procedure will not enter into any question of fact relating to truth or falsity of the

version made in the FIR or in the petition of complaint or in the letter of complaint. Accordingly, the investigating agency is directed to take the investigation to its logical conclusion.

However, the petitioners are directed to cooperate with the investigation of the case and having regard to the fact that there are other civil cases, the investigating agency will not unnecessarily take steps which are coercive in nature so far as the present petitioners are concerned.

With the aforesaid observations, the revisional application being CRR 3262 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)