

10-10-2023
Subha
Item no. 06
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3588 of 2023

Ashendra Kumar Rai and Anr.
-versus-
The State of West Bengal and Anr. .

Mr. Debasish Chattopadhyay
Mr. L. Paul
Mr. Tirthankar Basu
.....for the petitioners.

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

Petitioners are directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Learned advocate for the petitioners submits that the petitioners have been falsely implicated in connection with the instant case out of private and personal grudge at the instance of de facto complainant who avoided the proceedings before the learned writ court.

Learned advocate submits that the allegations are such that the same have been engineered after both the petitioners left school either by way of retirement or has been removed by the school

authorities.

Learned advocate submits that the contents of the allegation under Section 156(3) of the Code of Criminal Procedure which is the genesis of Halisahar P. S. Case No. 102 of 2023 dated 05-04-2023 hardly makes out any cognizable offence for the police authorities to continue with the investigation.

I have considered the submissions advanced by the learned advocate appearing for the petitioners and I find that on three counts the learned Magistrate was satisfied to direct investigation in this case. The same being money collected under the head of cultural fees, library fees and also defalcating the amount relating to mid day meal.

Considering the nature of the allegations and the fact that the case was registered for investigation in the month of April, 2023, I am of the view that the investigation must be taken to its logical conclusion considering the gravity of the offence.

Petitioners would be at liberty to take up the issues before the Investigating Officer of the case or before the superior officer who is supervising the investigation of the case.

Petitioners are also be at liberty to approach this court at the appropriate stage of the proceedings after the Investigating Agency arrives at their conclusion.

No interference is made out at this stage.

With the aforesaid observations, the present revisional application being CRR 3588 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]