

06.01.2023

Item No.3
Ct.No.34
dc.

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

C.R.A. (SB) 159 of 2022

**Anurag Agarwal
versus
Lakshman Prasad Agarwal**

Mr. Sandipan Ganguly,
Mr. Somopriyo Chowdhury,
Mr. Arka Banerjee ... For the Appellant.

Mr. Debasish Roy,
Mr. Sabyasachi Banerjee,
Mr. Nigam Ashish Chakraborty,
Mr. Agniva Banerjee,
Mr. A. Mookherji ... For the Respondent.

Mr. Ganguly, learned senior advocate appearing for the appellant submits that the application under Section 340 of the Code of Criminal Procedure was preferred for misstatement made by the respondent. Learned senior advocate has emphasised firstly that in the application for anticipatory bail, the respondent contended that no application for anticipatory bail was filed earlier, although similar prayer was made before the court at Delhi; secondly, the respondent contended in the application for anticipatory bail at Delhi court that he is a resident of Delhi while in the application before the Calcutta court, he contended that he is a permanent resident of Calcutta; thirdly, it has been contended that the appellant had physically attacked the respondent and the respondent lodged the police complaint against the appellant. Learned senior advocate submits that the said statements were made before a court of law for obtaining orders.

Mr. Roy, learned advocate appearing for the respondent submits that the said application was rejected and as such, the courts were never influenced by such contentions even if the allegations are accepted to be true.

I have considered the submissions of the learned advocates appearing for the parties and I find that even if the allegations are considered to be correct, the same in no manner deviated the ultimate result of the application for which it (anticipatory bail) was filed. No court was misled by the contentions so advanced and there is nothing on record to show that the appellant has suffered any injury because of such statement being made.

Having considered the same, I do not find any illegality in the order passed by the learned Additional District and Sessions Judge, Fast Track, 1st Court, Calcutta in Criminal Misc. Case No. 75 of 2022. As such, no interference is called for.

Accordingly, CRA (SB) 159 of 2022 is dismissed.

All pending connected applications, if any, are consequently disposed of.

Lower court records be sent back to the jurisdictional court.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)