

16.10.2023

jb.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 3793 of 2023

In Re: Mahiwal Singh Thakur & Ors.
vs.
State of West Bengal & Anr.

Re: An application under Section 482/397 of the Code of Criminal Procedure.

Mr. Moyukh Mukherjee
Mr. Sayantan Sinha
- For the Petitioners

The petitioners are aggrieved by the factum of the order issuing summons under Sections 323/34 of the Indian Penal Code.

Learned advocate for the petitioners draws the attention of the Court to the cause title of the revisional application and submits that the address of the petitioners which have been incorporated as accused in the case by the opposite party No.2/complainant are completely different. Learned advocate submits that the petitioners have shifted somewhere else the address of which is available. Purposely the complainant has used the same address of the petitioners in the petition of complaint. Summons have already been issued in connection with the instant case.

In view of the summons already being issued, I direct that the appearance of the present petitioners be kept in abeyance.

Learned Magistrate would conduct enquiry to satisfy himself whether the petitioners at the relevant point of time were staying at 23/2 Netaji Subhas Road, Phase-2, P.S. Liluah, Howrah or at Triveni Apartment, Welfare Owners Association, 23 Ghoses Lane, Howrah-711202. The police authority will submit a report after conducting an enquiry from the nearby residence and thereafter submit a report. If the learned Magistrate is satisfied regarding the report he will take a decision whether to reissue summons afresh or drop the proceedings under Section 203 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 3793 of 2023 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Tirthankar Ghosh, J.)