

18.10.2023
Serial no. 127
[G.S.D]

CRR 3956 of 2023

In the matter of : Dilip Chowdhury & Anr.

... .. Petitioners

Mr. Sabyasachi Chatterjee
Mr. S. DAs
Mr. Badrul Karim
Ms. Indrani Roy
Mr. Dipankar Das

... for the petitioners

The petitioner submits that the petitioner has been implicated at the instance of the private opposite party, who happens to be a police officer and as a counter-blast to the complaint made with the Vigilance Commission, the present case has been instituted.

Ld. advocate submits that the petitioners are simple individual citizens, who have been implicated in a number of cases by the police officer concerned.

I have gone through the certified copies which have been enclosed along with the revisional application and I find that number of cases are pending at least against the petitioner no.1 which do not inspire me to interfere with the present case being Barasat P.S. Case No. 212 of 2023 dated 20.3.2023.

The investigation of the case is in progress. The petitioner may have some factual circumstances to canvass.

Having regard to the nature and the contentions of the present revisional application, I do not think that the revisional application, at this stage, requires any interference.

However, the petitioners would be at liberty to canvass all the issues at the appropriate stage of the proceedings particularly, after the report under Section 173 of the Cr.P.C. is filed before the Id. jurisdictional court.

If the police authorities arrive at a finding that the petitioners are involved in the alleged offences, under such circumstances, the petitioners would be at liberty to take out an application under Section 239 of the Cr.P.C. before the Id. jurisdictional court. The Id. jurisdictional court would at the relevant stage consider the issues without being influenced by any of the observations made by this court in this revisional application.

With the aforesaid observations, CRR 3956 of 2023 is disposed of.

Pending application, if any, is disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)