

14.3.2023
11 & 12
SB
Ct. No.236

CRR 4162 of 2011
CRAN 1 of 2012

In the matter of : Bibhuti Bhusan Manna & Ors.
+
CRR 4164 of 2011
CRAN 2 of 2014

In the matter of : Amit Gangopadhyay

Ms. Sayani Das ... for the petitioners

Mr. N.P. Agarwala
Mr. P. Bose ... for the State

Heard Ms. Das, learned counsel appearing on behalf of the petitioners who submits that her endeavour to get in touch with the petitioners failed to yield any result. She expressed her inability to assist the Court without any instruction.

While appreciating the predicament of Ms. Das, I am of the view that the matter should be disposed of on merit instead of adjourning the same *suo moto*.

This revisional application challenges the proceeding pending before the learned Additional Chief Judicial Magistrate, Basirhat, being G.R. 905 of 2011 corresponding to Hingalganj P.S. Case No. 25 of 2011 dated 16.4.2011.

Briefly stated Binod Behari Manna, opposite party no. 2 herein filed a petition of complaint before the learned Additional Chief Judicial Magistrate, at Basirhat stating *inter alia* that the accused persons who happened to be full blood brothers of the complainant with their associates caused damage to the properties they have acquired by inheritance. Police was informed but no

action was taken. Learned Chief Judicial Magistrate, however, was pleased to forward the petition of complaint to the jurisdictional P.S. invoking the provision of Section 156(3) of the Code of Criminal Procedure and Hingalganj P.S. Case No. 25 of 2011 dated 16.4.2011 was registered under Sections 147/148/379/427/506(2) and 34 of the Indian Penal Code. Police took up investigation and submitted charge sheet against the accused persons under Sections 447/506/34 of the Indian Penal Code.

Under such circumstances, there is every reason to presume *prima facie* that certain offence within the meaning of Indian Penal Code has been committed by the accused persons who happened to be the petitioners before this Court and I do not find any reason to invoke the provision of Section 482 of the Cr.P.C.

The revisional applications along with connected applications are disposed of.

Let a copy of this order along with lower court records be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)