

12-12-2023
Subha
Item no. 275
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 4637 of 2023

Subhaas Krishna Thakur and Anr.
-versus-
The State of West Bengal and Anr.

Mr. Kamelesh Saha
.....for the petitioner.

Learned advocate for the petitioners has challenged the continuance of Gaighata P. S. Case No. 858 pf 2023 dated 28-08-2023 under Sections 420/467/468/471/34 of the Indian Penal Code.

I find from the letter of complaint, which has been addressed to the Officer-in-Charge of Gaighata PS that the complainant claims that she was able to discover a title deed of a property which was in the name of her husband. She claims that the said property was sold out by her two brother-in-laws and she was kept in the dark at the time of selling out of the property.

Learned advocate submits that earlier a case on similar issues were registered for investigation being Gaighata PS Case No. 592 of 2022 dated 22.06.2022, wherein the Investigating Officer on conclusion of investigation submitted a report under Section 173 of the Code of Criminal Procedure finding that the issue is civil in nature.

Learned advocate has drawn the attention of this court to the order passed in T. S. No. 18 of 2005. The last of the order-sheet reflects that on 2nd April, 2009 the civil suit was dismissed for default.

So far as the allegation of the lady/complainant namely Pushpa Thakur is concerned, she alleged there is a title deed, which is in the name of her husband. Her contention is that behind her back the property has been sold out.

I find that the learned advocate for the petitioner says that the property is exclusively in the name of the petitioner no.2(Sunil Krishna Thakur). These are question of facts which cannot be gone into by this court as till date the issue has not been decided/adjudicated whether the name of the petitioner's husband was at all appearing in any of the title deed. The Investigating Agency would go into the same and take the case to its logical conclusion. Needless to state that the case is based on documents and dispute is pending amongst the relations for a considerable period of time and the offences complained of are Magistrate triable offences. The Investigating Agency will check both the documents and arrive at their findings regarding the genuinity of the allegations so made by the complainant as early as possible without being influenced by any observations made by this court.

With the aforesaid observations, the revisional application being CRR 4637 of 2023 is 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]

