

13-12-2023
Subha
Item no. 324
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 4746 of 2023

Manik Sarkar .
-versus-
The State of West Bengal and Anr.

Mr. Pradip Kumar Roy
Mr. Tirthajit Roy Chowdhury
.....for the petitioners.

Petitioner has challenged the continuance of special case no. 16 of 2019 arising out of FIR No. 15/19 dated 20-12-2019 ACB PS, District-Kolkata along with Chargesheet No. 01/22 dated 02-02-2022 under Section 13(b) of the Prevention of Corruption Act read with Section 109 of the IPC.

The issues which the learned advocate for the petitioners intend to canvass include the point of sanction, the authority of the concerned Investigating Officer to investigate the case who is subordinate in rank, the concerned Investigating Officer already earlier having knowledge and collection of documents prior to the investigation being commenced and the same complainant being the Investigating Officer of the case.

It has further been contended that the petitioners have handed over all the requisite documents and in respect of the same the Investigating Agency has commented/opined that no proper explanation was forthcoming from the petitioner no.1. According to the learned advocate, the petitioner has been falsely implicated in connection with the instant case and he has not been afforded any opportunity by the Investigating Agency to explain the substance of the allegations.

I have considered the contentions of the learned advocate appearing for the

petitioners. Record reflects that the case is awaiting for charges as chargesheet has already been submitted before the jurisdictional court. At this stage, when the chargesheet was submitted in the year 2022, I am not inclined to interfere with the progress with the case until and unless a preliminary scrutiny is done at the stage of the consideration of charges by the learned special court. Petitioners would be at liberty to canvass all their points addressed in the present revisional application along with the other relevant issues before the learned special court. The learned special court would dispose of the said application in accordance with law without being influenced by any observations made by this court while disposing of the present revisional application. Liberty is granted to the petitioners to approach this court thereafter.

With the aforesaid observations, the revisional application being CRR 4746 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]