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CRR 91 of 2021

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**Taraknath Saha @ Tarak Saha & Ors.
Versus
The State of West Bengal & Anr.**

Mr. Sayan De, (Via V.C.)
Ms. Esha Acharya,
Mr. Kaustav Shome.

... for the petitioners.

Mr. Aditi Shankar Chakraborty, APP.
Mr. Nilay Chakraborty.

... for the State.

This revisional application has been filed, invoking Section 482 of the Code of Criminal Procedure, assailing the proceeding initiated on a complaint lodged by one Kalpana Ghosh (Respondent no.2) in connection with Siliguri Police Station Case No. 942 of 2019 under Sections 406/420/120B of the Indian Penal Code.

Learned advocate, Mr. Sayan De, appearing on behalf of the petitioners has submitted that the petitioners were falsely implicated in this case by lodging a written complaint at the behest of Kalpana Ghosh, who along with other already received payment according to their share after selling out of their joint property. Mr. De has referred to documents i.e. two deeds of agreement showing payment of Rs.10 lakh at the time of execution of power of attorney at the instance of respondent no.2 for sale of the joint property.

Therefore, according to Mr. De, this proceeding

being a family dispute cannot be proceeded with further and the dispute between the family members can be agitated in a money suit before the Civil Court.

Mr. Nilay Chakraborty, learned advocate appearing on behalf of the State has submitted, by referring to those two deeds of agreement showing payment of money, that according to complaint lodged by the respondent no.2 before the inspector-in-charge Siliguri Police Station, those two agreements were disputed alleging, inter alia, that those agreements were prepared on a blank paper in collusion with each other among petitioners.

It is submitted by Mr. Chakraborty, learned advocate appearing on behalf of the State that investigation of this case has already been completed by submission of charge-sheet. Mr. Chakraborty has also submitted regarding date of two power of attorneys alleged to have been executed by the respondent no.2.

However, on careful perusal of the revisional application along with annexure, I find that the respondent no.2 lodged the written complaint alleging, inter alia, that those two deeds of agreement were not executed by the Kalpana Ghosh and those two agreements were prepared collusively on a blank paper.

At this stage, this Court unable to come to any conclusion about the genuinity of those two documents referred on behalf of the parties to this revisional

application.

More so, charge-sheet has already been submitted in this case after investigation and at the time of consideration of charge, petitioners will have the opportunity to raise any questions regarding framing of charge before the Trial Court.

For the reasons, I am of the opining, this revisional application is liable to be dismissed.

Accordingly CRR 91 of 2021 stands dismissed.

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

(Bibhas Ranjan De, J.)

