

25.09.2023

Item No.12

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 236 of 2022

In the matter of : **Baishali Biswas (Dam)** ... Petitioner.

Mr. Dipta Banerjee,
Mr. Debajit Kundu ... For the Petitioner.

Mr. Nilay Chakraborty ... For the State.

Affidavit-of-service filed in Court today be kept on record.

In respect of the present revisional application records do not reflect that the police authorities have arrived at their findings in connection with Siliguri Police Station Case No. 670 of 2022 dated 11.07.2022.

Learned advocate appearing for the petitioner submits that the subject-matter of Siliguri Police Station Case No. 879 of 2020 dated 17.07.2020 and Siliguri Police Station Case No. 670 of 2022 dated 11.07.2022 is one and the same is identical.

Mr. Chakraborty, learned advocate appearing for the State opposes such contention and submits that cause of action is different.

Be that as it may, I direct that if till date, the report under Section 173 of the Code of Criminal Procedure has not been submitted before the jurisdictional court, in that case, the investigating officer of Siliguri Police Station Case No. 670 of 2022 dated 11.07.2022 would take into account the

materials collected by the investigating agency in connection with charge-sheet no. 814 of 2021 filed in connection with Siliguri Police Station Case No. 879 of 2020 dated 17.07.2020. The investigating officer will assess the test of sameness, give his opinion whether both the cases are same or they are different and accordingly file his report under Section 173 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 236 of 2022 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)