

29.01.2024
Ct. No.34
S/L No.35
KS

C.R.R. 89 of 2024

Rash Behari Halder & Ors.

-Vs.-

State of West Bengal & Anr.

Mr. Ranjit Jaiswal
Mr. Parthasarathi Chakraborty
.....For the Petitioners

Learned advocate appearing for the petitioners has submitted that there are documents in his custody, which are unimpeachable in nature, which would reflect that at the relevant point of time, which has been complained of in the F.I.R. and in the charge-sheet in relation to the time of the offence, the petitioner was at a different place completely and, as such, he has been falsely implicated in connection with the instant case by the de facto complainant.

Learned advocate submits that there are digital evidences to that effect. It has further been contended that difference and disputes are between the relation and the petitioners have been implicated in connection with the instant case, who is the school teacher with an aged father of 80 years old, who has also been implicated.

I have considered the contentions advanced by the learned advocate appearing for the petitioners and I am of the view that the issues so canvassed relate to question of facts, which are to be assessed. So far as the issue relating to the documents that the petitioner was at a

different place, the same was not brought before the Investigating Agency during the course of the investigation. Accordingly, the same should be produced before the Court at the appropriate stage.

This Court in order to invoke its jurisdiction under Section 482 of the Code of Criminal Procedure is empowered only to assess regarding the factum, whether any offence has been made out and not regarding the applicability of the sections. On an assessment of the documents, which have been produced before this Court, I am of the view that a case has been made out. However, petitioners are granted liberty to canvass all the points at the stage of Section 239 of the Code of Criminal Procedure. Learned Magistrate would independently consider the issues so canvassed without being influenced by any observations made by this Court.

With the aforesaid observations, C.R.R. 89 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)