

D/L19
23.04.2024
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C.R.R.109 of 2023
With
CRAN 2 of 2023
With
CRAN 4 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Sri Debasish Mukherjee and others
Versus
State of West Bengal and another

Mr. Dipanjan Chatterjee
Mr. Dibyendu Bhattacharya
Mr. Prateep Bera.
...for the petitioners.

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali.
...for the State.

Mr. Probal Kr. Mukherjee
Ms. Shebatee Datta.
...for the opposite party no.2.

The revisional application was preferred challenging the proceedings being C.G.R. Case NO.1437 of 2022 arising out of Lake Police Station Case No.150 of 2022 which is pending before the learned CJM, Alipore, 24 Parganas (South).

Mr. Chatterjee, learned advocate, appears on behalf of the petitioners and canvasses the issue in the background of landlord and tenant dispute.

Mr. Mukherjee, learned senior advocate, appears on behalf of the opposite party no.2 and disputes the factual contentions so advanced by the learned advocate appearing for the

petitioners.

Mr. Datta, learned advocate appearing for the State has produced the case diary and referred particularly to the reply of the CESC as well as the statement of the witness who has been cited in the charge-sheet.

Having considered the prayers so advanced by the investigating agency at the time of investigation for alteration of charges, I am of the opinion that the reply of the CESC and the statement made by the witness requires to be dealt with in an elaborate manner which cannot be decided in a summary manner by exercising the powers under Section 482 of the Code of Criminal Procedure. As such, the prayer for quashing of the proceedings at this stage is refused.

Petitioners would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure before the learned CJM, Alipore or the learned trial court in seisin of the matter. Needless to state that the learned trial court would independently consider the materials which have been relied upon by the prosecution for arriving at its conclusion as to whether charges are to be framed in connection with the instant case.

With the aforesaid observations, CRR 109 of 2023 is disposed of.

Connected applications being CRAN 2 of 2023 and CRAN 4 of 2023 are also disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)