

05.02.2024
Serial no. 4
[G.S.D]

CRR 230 of 2024

In the matter of : Md. Ezazullah @ Md. Ejazullah & Ors.
... .. Petitioners

Mr. Dipanjan Dutt
Mr. Khalid Ali
Mr. Surojit Saha

... for the petitioners

Ld. advocate for the petitioners submits that the petitioners are in possession and earlier the private opposite party no.2 preferred an application under section 144(2) of the cr.p.c., which was interfered with and the petitioners thereafter instituted the present case, which was registered as Kolkata Leather Complex Police Station Case No. 110 of 2023 dated 24.8.2023. Ld. advocate submits that the petitioners have been served with notices under section 41A of the cr.p.c.

It has been additionally submitted that the petitioners are in possession of the property for which unnecessarily a criminal case have been foisted upon them.

Having considered the submissions advanced by the ld. advocate appearing for the petitioners and the issues relating to the question of facts, I am not inclined to interfere at this stage.

However, the petitioners would be at liberty to take up the issues by a representation being made to the Deputy Commissioner of Police, Eastern Suburban Division. A hearing may be afforded by the Superior Officer of police within a week from filing of such representation. Necessary instructions be given to the investigating officer by the Superior Officer of police and the same may be incorporated in the case diary.

At the time of filing the report under section 173 of the cr.p.c., the investigating officer will also give reasons regarding the finding as also the findings of the superior officer of the police.

With the aforesaid observations, CRR 230 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)