

D/L67  
26.02.2024  
Bpg.

C.R.R.428 of 2024

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

Md. Azahar @ Azaharuddin and another  
Versus  
The State of West Bengal and another

Mr. Kamalesh Chandra Saha  
Ms. Payel Mitra.

...for the petitioners.

Mr. Debasish Roy, Ld.P.P.  
Mr. Arijit Ganguly  
Ms. Jonaki Saha.

...for the State.

Mr. Saha, learned advocate appearing for the petitioners has challenged the continuance of an FIR registered in connection with Narayanpur Police Station Case No.4 of 2024 dated 05.01.2024 under Sections 186/353/34 of the Indian Penal Code. The said case is pending before the learned ACJM, Barrackpore.

Mr. Arijit Ganguly, learned advocate appearing for the State has produced the case diary along with the memo of evidence. It reflects from the case diary that the investigating agency has already submitted charge-sheet on 27<sup>th</sup> January, 2024. Accordingly, the date on which the revisional application was affirmed before this Court, prior to that charge-sheet was prepared and placed before the learned court.

Mr. Saha has also submitted that the petitioner filed a representation before the Executive Engineer, Urban Drainage Division to which the concerned office fixed date 15<sup>th</sup> February, 2024 for demarcation. Learned advocate submits that the

petitioners happen to be the power of attorney holders of one Rabeya Bibi, they are being falsely implicated in connection with the instant case. Learned advocate has added that the petitioner no.2 was not even named in the initial letter of complaint. His name has been engineered for being incorporated in the case by the investigating agency.

Be that as it may, having considered that the case was initiated for challenging the continuance of the FIR and the charge-sheet has already been submitted before the jurisdictional court, I grant liberty to the petitioners to canvass all the points in the revisional application at the stage of consideration of charge before the learned jurisdictional court after receipt of the documents under Section 207 of the Code of Criminal Procedure. Learned Magistrate would independently consider the same without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 428 of 2024 is disposed of.

Pending connected application, if any, is consequently 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.)**

