

24.05.2024
Serial no. 6
[G.S.D]

CRR 524 of 2024

In the matter of : Pratima Ghosh & Ors.

... .. Petitioners

Mr. Kishore Mukherjee	
Mr. Sankha Subhra Ray	... for the petitioners
Mr. Debasish Roy	
Mr. Arijit Ganguly	
Ms. Sreemoyi Roy	... for the State

The petitioner is aggrieved by the fact that in connection with Chitpur P.S. Case No. 132 of 2022 dt. 25.8.22, although the case was registered under section 401A of the KMC Act, but, none of the initial ingredients were satisfied for initiation and/or registration of the case.

The further grievance was that no charge-sheet was submitted in spite of the case having been initiated in the year 2022.

The report so submitted reflects that the investigation has been concluded and charge-sheet has been submitted before the court on 15.4.2024.

Mr. Arijit Ganguly, Id. advocate for the State, has also referred to the case diary and I find that in respect of the unauthorized construction so referred to, the investigating agency has relied upon as many as seven witnesses, apart from the investigating officer which are

based on report(s) of the Assistant Engineer, Accessor Collector, Executive Engineer (C) (Sewerage and Drainage), Engineering Department, Assistant Engineer (Water Supply) as also the officer in charge of Cossipore Fire Station.

Having regard to the exhaustive investigation being done and the charge-sheet being submitted before the appropriate court, at this belated stage, I am not inclined to accept the proposition whether the FIR was maintainable or not.

So far as the other issues which have been canvassed that the present petitioners are the owners of the property, who entrusted whole of the power to the developers is not acceptable in view of the factum that the documents are not of sterling quality and the Court cannot on its face value accept such document. The intrinsic value of the documents is to be gone into by the Id. trial court at the appropriate stage.

With the aforesaid observations, CRR 524 of 2024 is **dismissed.**

Pending application, if any, is also disposed of.

If the petitioners are advised to pray for discharge at the appropriate stage, then, the petitioners would be at liberty to take out such an application under the relevant provisions of law.

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.)