

22.02.2024
Serial no. 97
[G.S.D]

CRR 672 of 2024

In the matter of : Somenath Bhattacharyya
... .. Petitioner

Mr. Mrityunjay Chatterjee
Mr. Debapriya Majumder
Mr. Arindam Pauli ... for the petitioner

The petitioner is aggrieved by the contention of Complaint Case No. 243 of 2019 pending before the Id. ACJM, 2nd Court, Kalyani, Nadia.

Ld. Advocate for the petitioner submits that the complainant has distorted the facts to implicate the petitioner, who helped him out at the time of dire need.

It has also been submitted that different narration of facts were given at the time of departmental proceedings and, as such, the present case wherein the allegations relating to commitment being made for providing a job in the police department do not have any leg to stand.

The present is a case which is to be tried before the Id. Magistrate by following the provisions of the case instituted otherwise than on police report wherein evidence is to be adduced before charge.

Having regard to the background of the fact of the present case, I am of the view that at least the complainant

and his witnesses may be allowed to adduce the evidence before charge.

However, the petitioner would be at liberty to approach this court at the time when the evidence before charge is completed and the Id. Magistrate would fix dates for consideration of charges.

As the petitioner is still an employee of the police department and may have certain compulsions while in service, the Id. ACJM, 2nd Court, Kalyani would consider his application under section 205 of the cr.p.c. after an appropriate undertaking is furnished by a lawyer representing him.

With the aforesaid observations, CRR 672 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.)