

15.04.2024
Serial no. 6
[G.S.D]

CRR 793 of 2024

In the matter of : Ziaur Rahaman Paik @ Jiaur Paik & Ors.

... .. Petitioners

Mr. G.K. Das

... for the petitioners

Mr. Sudip Kumar

... for the State

Report submitted by the State be kept with the record.The report reflects the investigation of Dholahat P.S. Case No. 65 of 2024 dt. 6.2.2024 is in progress.

I find from the formal FIR that the case has been registered under sections 341/323/325/308/427/506/34 of the IPC. The issue involved in the investigation of the case relates to certain injuries, whether they are true or false are to be assessed by the investigating agency.

The report reflects that the investigating agency has issued under section 91 of the cr.p.c. upon the complainant to produce medical reports and the statement under section 161 of the cr.p.c. was recorded.

Ld. Advocate for the petitioner has emphasized regarding the civil dispute and the present petitioners being

successful in the civil dispute are being foisted with such criminal case for the purpose of wrecking vengeance.

According to the petitioners, the incident, as complained of, did not happen and the genesis of the case is to heckle and harass the petitioners by implicating in an unwarranted criminal case.

Having considered that the case has been registered on 6.2.2024 and the police authorities are investigating the same, I am not inclined to interfere in view of the sections under which the case has been registered.

However, the petitioners would be at liberty to approach this court after the report under section 173 of the cr.p.c. is submitted and the documents under section 207 of the cr.p.c. are handed over to them.

It is further directed that in case, in course of investigation, the investigating authority finds that the injuries complained of are not in the nature which would attract the provisions under section 325 and 308 of the IPC, the investigating authority will not deter from submitting appropriate section while filing their report under section 173 of the cr.p.c.

With the aforesaid observations, CRR 793 of 2024 is disposed of.

Pending application is 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.)