

09.05.2024
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IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No. 803 of 2024

Amitesh Biswas

Versus

The State of West Bengal & Ors.

Mr. Soumyadeep Biswas

...for the Petitioner.

Supplementary affidavit filed by the petitioner be kept with the record.

The petitioner has challenged the continuance of Bidhannagar South Police Station Case No.80 of 2022 dated 08.05.2022.

The main contention of the petitioner was that the genesis of the case itself fails in view of the fact that the subject matter of allegations relating to service of notice at the particular premises or building, which has been narrated in the letter of complaint and which is the place where, according to the police authorities, they were manhandled were evacuated much earlier and the petitioner was staying at a different location altogether. In spite of the same, the present case has been initiated against the petitioner, who happens to be an executive officer.

I have taken into account the allegations in the FIR, the charge sheet as well as statements under Section 161 of the Cr.P.C. including the medical report, which has been relied on by the police authorities.

Having considered the plea taken by the petitioner and the documents which are appearing by way of statements under Section 161 of the Cr.P.C. and the injury report, at this stage it is very difficult to assess regarding the truth or falsity of the same.

The petitioner is granted liberty to canvas all these issues at the stage of Section 239 of the Cr.P.C. before the learned ACJM, Bidhannagar or any court in seisin of the matter.

While considering the application under Section 239 of the Cr.P.C., it would be the duty of the learned Magistrate to independently consider the contentions without being influenced by any of the observations made by this Court by disposing of the present revisional application.

With the aforesaid observations, the present revisional application being CRR 803 of 2024 is disposed of.

Connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)