

14.03.2024

Item No.33
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1044 of 2024

In the matter of : **Sri Manishi Mohan Maity** ... Petitioner.

Mr. S. P. Pahari ... For the Petitioner.

The petitioner has challenged the charge-sheet submitted in connection with Nandakumar Police Station Case No. 295 of 2022 dated 07.08.2022 which is presently pending before learned Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipur.

Learned advocate appearing for the petitioner submits that the petitioner being the uncle has been falsely implicated in connection with the instant case by his nephew. According to the subject-matter, a sum of Rs.26.70 lakh was parted on a particular issue of promise. However, the present petitioner repaid Rs.4.08 lakh and thereafter there was repeated persuasion, but in spite of commitment, the same was not kept and subsequently he was threatened for return of the money.

Having regard to the materials which have been collected by the investigating agency in course of the investigation including the seizure list which has been relied upon, I am of the view that the case has matured for first being scrutinised by the learned trial court. Accordingly, I am of the view that if an application under Section 239 of the Code of Criminal Procedure is preferred at the stage of consideration of charges, learned Magistrate would consider

the same in accordance with law without being influenced by any observations made by this Court.

The learned Magistrate will take endeavour to dispose of the application under Section 239 of the Code of Criminal Procedure within a period of sixty days from the date of filing of the same.

With the aforesaid observations, the revisional application being CRR 1044 of 2024 is disposed of.

Pending 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.)