

15.05.2024
Serial no. 34
[G.S.D]

CRR 1553 of 2024

In the matter of : Sanjay Agarwal & Ors.

... .. Petitioners

Mr. Amit Ranjan Pati
Ms. Sreemoyi Roy

... for the petitioners

Mr. Madhusudan Sur
Mr. Sourat Nandy

... for the State

The petitioners are aggrieved by the fact that the case which was initiated at their instance for theft of property has ended in a final report being Bidhannagar (North) PS Case No. 182 of 2023 dt. 26.11.23.

The present case is where the petitioners have been made accused at the instance of the associates of the complainant of the said case being Bidhannagar (North) PS Case No. 185 of 2023 dt. 28.11.23, wherein, after completion of investigation, the investigating authority submitted charge-sheet under sections 341/323/506/34 of the IPC and is pending before the Id. ACJM, Bidhannagar.

Ld. advocate for the petitioners emphasizes on the factum of theft and submit that there were mere questioning

and the same has been exaggerated to the extent of being assaulted.

It has been the further contention of the petitioners that the complainant of the present case got medically checked at a hospital at Mandir Bazar, although, the narration of facts referred to the issues which happened within the Bidhannagar (North) PS.

I have taken into account the statement of the witnesses, the medical report as also the Case Diary produced by Mr. Sur of both the cases.

Having considered the same, I am of the opinion that the petitioners would first exhaust their remedy by preferring an application under section 239 of the cr.p.c. before the Id. jurisdictional trial court, which is in seisin of the matter.

If, such an application is preferred, in that case, the Id. Magistrate would consider the same in accordance with law without being influenced by any of the observations made by this court while disposing of the present revisional application.

With the aforesaid observations, CRR 1553 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.)