

D/L66
17.05.2024
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C.R.R.2045 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Suvankar Das
Versus
The State of West Bengal and another

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Mofakkerul Islam
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan.
...for the petitioner.

Petitioner has challenged the proceedings being G.R.No.1860 of 2023 arising out of New Alipore Police Station Case No.42 of 2023 dated 13.05.2023 wherein the investigating agency on conclusion of investigation submitted charge-sheet under Sections 380/411/506 of the Indian Penal Code.

Petitioner is aggrieved by the order of the learned Judicial Magistrate, 4th Court, Alipore who is in seisin of the matter. Petitioner is also aggrieved by the subsequent orders passed by the learned Chief Judicial Magistrate, Alipore.

The grievance of the petitioner is that he has acted in good faith and has been victimised because of circumstances. As the case is at nascent stage prior to the trial having commenced, I am not inclined to discuss the facts in detail, but having considered the seizures which have been effected in this case and place of seizures at this stage, I am of the view without any cross-examination in the issues relating to seizures, this Court is not in a

position to assess regarding the truth or falsity of the narration in the FIR, the charge-sheet and the materials collected by the investigating agency in the background of the facts of the present case.

Petitioner would be at liberty to prefer an appropriate application before the learned Judicial Magistrate, 4th Court, Alipore praying for discharge. Learned Magistrate will consider the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 2045 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)