

18.01.2024

Sl.No. 38

Ct. 32

Amalranjan

CRR 2099 of 2018

Anil Chandra Roy @ Anil Roy and ors.

Vs.

State of West Bengal and anr.

Mr. Pravas Bhattacharya

Mr. MFA Begg

...for the State

Nobody appears on behalf of the petitioners/accused on call. Even on earlier occasion no one represented the petitioner, nor accommodation sought for.

State has filed the status report with details is taken on record.

This case pertains to the year 2018, the nature of prayer and to avoid further delay record is taken up for the purpose of disposal on merit.

Heard and on perusal of the report it appears that earlier FRT no. 1986/14 dated 10.11.2014 was submitted in connection with G.R Case 1948 of 2012 arising out of Bhakti Nagar PS Case 471/2012 dated 22.04.2012 under section 447/ 468/ 471/ 427/ 379/ 34 of IPC thereby allowed the prayer for further investigation on 28.03.2018 when defacto-complainant filed protest petition.

The said FRT was challenged by filing protest petitioner by the defacto-complainant/opposite party no. 2 and after hearing all the parties, the learned court below observed investigation has not been done properly and

submitted in a mechanical manner and without examination the vital witnesses.

Accordingly, the learned court below directed the IO for further investigation and for filing report.

Subsequently, after completion of thorough investigation, a chargesheet being no. 1/2019 dated 4.1.2019 has been submitted vide Bhakti Nagar PS case no. 846/18 dated 3.10.2018 under section 447/ 468/ 471/ 427/ 379/ 34/ 420/ 120B of IPC against 11 accused persons including the present petitioners.

Later on, another supplementary chargesheet being no. 1/2019 dated 4.1.2019 has been submitted under section 420/ 465/ 468/ 471/ 384/ 120B of IPC. Prima facie case could not be established against Partho Choudhury, the accused no. 11, who was an advocate and only acting as an advocate on behalf of the clients in connection with Title Suit no. 133/2010 and 37/2012 pending in the court of learned Civil Judge Junior Division at Jalpaiguri.

The present revisional application against the initial order dated 28.03.2018 thereby the learned court below directed for further investigation and file report.

However, upon perusal of the entire records as well as the report, I do not find any illegality in passing of further investigation as it reveals earlier investigation was not properly done and FRT filed in mechanical manner.

Furthermore, subsequently, chargesheet has been submitted against the present petitioners after thorough and proper re-investigation.

Accordingly, I do not find any merit in this application. I also do not find any illegality or jurisdictional error or law in passing such order.

Under the above facts and circumstances of the case, the instant revisional application being **CRR 2099 of 2018** is dismissed without any order as to costs.

Learned trial court is requested to take up all necessary steps to exhaust the process of warrant of arrest to bring the accused persons for trial as expeditiously as possible preferably within three months from the date of communication of this order.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information and necessary compliance.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)