

10.01.2024
Item No.18
BR

CRR 2255 of 2016

**In the matter of :Sankar Kumar Pradhan
.... petitioner**

Ms,Anasuya Sinha

.... for the State

Nobody appears on behalf of the petitioner on call. Even on earlier occasion no one represented the petitioner. No accommodation sought for.

Ms. Sinha, learned advocate appearing on behalf of the State already submitted report on earlier date and further submits that impugned order has rightly passed by the learned Additional Chief Judicial Magistrate, Burdwan. There is no error or perversity while allowing the application filed by the de facto complainant under Section 156(3) of the Code of Criminal Procedure, 1973.

It is directed the Officer-in-Charge , Kalna P.S. to treat the misc. case No. 543 of 2014 as an FIR considering the nature of offence and disclosure of cognizable offences and further directed

to investigate and report against the petitioners/ accused persons and others under Section 406/409/420/34 of the Indian Penal Code. As such application is required to be dismissed.

Having heard the submissions of the learned counsel appearing on behalf of the State and upon perusal of the report this Court finds after such direction passed by the learned Magistrate an FIR No. 686 dated 1.12.2014 under Sections 406/409/420/34 of the Indian Penal Code has been registered against the present petitioners in pursuant to the order passed by the learned Magistrate. Upon further perusal of the application filed under Section 156(3) of the Cr.P.C., this Court also finds there are sufficient materials for passing such order by the learned Magistrate. The complainant has disclosed the cognizable offenses against the accused persons.

Under such circumstances, this Court does not find any infirmity or perversity or illegality or jurisdictional error in passing such order by the learned Magistrate.

In view of discussion above, the instant **CRR 2255 of 2016** is, thus,

dismissed without any order as to costs.
Interim order, if any, stand vacated.

Let a copy of this order be
communicated to the learned Court below
for information.

Urgent xerox certified copy of this
order, if applied for, be given to the
learned advocate for the parties on usual
undertakings.

(Ajay Kumar Gupta , J.)