

Court No. 34

07.05.2024

(AD 23)

(S. Banerjee)

CRR 2487 of 2023

Piyas Roy

Vs.

Mr. Arun Arora & Ors.

CRAN 1 of 2023

Mr. S. Singha Roy

Mr. Tapan Roy

... for the petitioner

Mr. Debasish Roy, Ld. P.P.

Mr. Arijit Ganguly

Mr. Koushik Kundu

... for the State

Mr. Kallok Mondal

Mr. Debapriya Samanta

... for the opposite party no. 1

The petitioner has challenged the order dated 6th September, 2022 passed by the learned Judicial Magistrate, 5th Court at Barrackpore.

I have considered the order wherein the learned court after considering the case diary, the statements under Section 161 Cr.P.C. of the witnesses, was pleased to arrive at a finding that the investigation did not reveal any connection or collusion of the accused namely, Chinmoy Sinha with Arun Arora who has been named in the application under Section 173(8) Cr.P.C. Accordingly, the learned Magistrate dismissed the application under Section 173(8) Cr.P.C. thereby refusing to grant the prayer for further investigation.

I have considered the allegations which relate to two parts; the first part relates to sale of flat and, the second part relates to providing jobs.

Learned advocate appearing for the petitioner tried to impress upon this court that the opposite party no.1 in the application under Section 173(8) Cr.P.C., Arun Arora, was the General manager of Eastern Railways and he has thick connection with the job racket as well as this realty group which has been named in the FIR.

Having considered that the investigation has been concluded and the petitioner's name did not only surface in due course but also the collusion of the petitioner with the accused could not be established, at this stage without some overwhelming materials after whole of an investigation is over, it is difficult for any court to interfere with the liberty of a person.

As the charge has already been framed in connection with the instant case and the court is awaiting for recording of evidence in connection with the instant case, I direct that if in case of the recording of evidence any further material appears, it would be in the discretion of the learned Magistrate to consider the application under Section 319 Cr.P.C. for ends of justice.

No interference is made in respect of the order dated 06.09.2022 at this stage.

With the aforesaid observations CRR 2487 of 2023 is disposed of.

Connected application, if any, is consequently disposed of.

All concerned are to act in terms of a copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)