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C.R.R.2514 of 2023
with
CRAN 1 of 2023

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

Sri Tanmoy Sen
Versus
The State of West Bengal and another

Mr. Siddhartha Sarkar
Mr. Prasad Bhattacharyya.
...for the petitioner.

Ms. Anasuya Sinha
Ms. Mayukhi Mitra.
...for the State.

Mr. Sabir Ahmd
Mrs. Sayani Ahmed
Mr. Satyam Mukherjee
Mr. Dhiman Banerjee.
...for the opposite party no.2.

The subject matter which has been canvassed in the present revisional application by the petitioner is that he has been foisted with a second FIR being Duttapukur Police Station Case No.358 dated April 7, 2023 under Sections 420, 406 and 120B of the Indian Penal Code.

Learned advocate appearing for the petitioner submits that earlier another case being Kalyani P.S. Case No.117 dated 11.03.2023 was registered for investigation. According to the petitioner, since in the first FIR the place of offence referred to is Kalyani, Nadia and at different places the same would cover the subsequent FIR relating to Duttapukur P.S. Case No.358 dated 07.04.2023.

I have found that the subsequent case relate to Kadambagachi Stockyard. The person may be same but the offences primarily reflected were committed at different places in respect of the different set of stocks. Investigation of both the cases are in progress. Having considered that at this initial stage when the investigation is in progress, the ambit of the investigation on the issue relating to second FIR cannot be taken into consideration until and unless there are overwhelming materials placed by the petitioner.

Petitioner has prayed for quashing of the proceedings on the aforesaid ground of second FIR. I am of the view having regard to the allegations made in respect of two different jurisdictions and different stocks relating to misappropriation, the FIR'S cannot be said to be one and identical at this stage. As such, no interference is called for.

Accordingly, CRR 2514 of 2023 along with CRAN 1 of 2023 is dismissed.

Pending connected other applications, if any, are 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.)

