

25.04.2024
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CRR 2557 of 2012

In the matter of : Prasenjit Dhar.

.... petitioner.

Mr. Kaushik Gupta
Mr. Anirban Tarafder

... for the petitioner

Mr. Sandip Chakraborty

... for the State

Mr. Arnab Sinha
Mr. Amartya Basu

... for the O.P. No. 2

The learned advocate for the petitioner is present.

Pursuant to the Parnashree Police Station Case No. 117 dated 19.12.2021 pending before the Court of Additional Chief Judicial Magistrate, Alipore, South 24 Parganas the opposite party No. 2 did not comply the order dated 22nd February, 2024 passed by this Court.

The submission of the learned advocate for the opposite party No. 2 is an pragmatic and exemplary of evasive attitude on the part of the opposite party No. 2.

The instant revisional application has been filed against an order dated 9th May, 2012 and order dated 11th June, 2012 passed by the learned Additional Chief Judicial Magistrate, Alipore in connection with Parnasree Police Station Case No. 117 dated 19th December, 2011 under Section

120B/420/468/469/471/406 of the Indian Penal Code, 1860(Corresponding to ACGR No. 4721/11).

Perused the contention of the petition wherefrom it revealed that the opposite party No. 2 filed an application under Section 156(3) of the Code of Criminal Procedure, 1973 before the Court of Additional Chief Judicial Magistrate implicating the present petitioner who had been the District Engineer C.E.S.C. Limited situated at the South West District Taratala Road, Kolkata 700088.

The application filed under Section 156 (3) of the Code of Criminal Procedure denoted the present petitioner to be accused No. 4. The complainant/opposite party in Paragraph 7 therein contended that he did not consent or allow the accused person to obtain an electric meter in the name of the accused persons i.e. Binoy Saha. It was further claimed that the accused person conspired with each other and obtained a forged signature of the petitioner without his consent on an application filed before the C.E.S.C. Department. The accused No. 4 installed a new electric meter in the name of the accused No. 1 at the premises of the opposite party.

The present petitioner was in no way connected with the instant case. The opposite party or the accused No. 1, 2 and 3 had been disbursing the final dues. The petitioner could not be in a position to determine the veracity of the document placed before him by the applicant for consideration. There is no provision under which the application for installation of electric

meter is to be reaffirmed or re-verified by the concerned Department.

In view of the observation of the Hon'ble Supreme Court in **Bhajan Lal vs. State of Punjab & Ors.**¹ wherein the complaint did not reveal any cognizable offence to have been committed by the petitioner, the proceedings before the trial court could not be allowed to continue to the prejudice the petitioner which would ultimately result in the process of abuse of law.

Under such circumstances, the instant revisional application is allowed.

The order dated 9th May, 2012 and order dated 11th June, 2012 passed by the learned Additional Chief Judicial Magistrate, Alipore in connection with Parnasree Police Station Case No. 117 dated 19th December, 2011 under Section 120B/420/468/469/471/406 of the Indian Penal Code, 1860(Corresponding to ACGR No. 4721/11) is quashed.

Copy of the order be sent to the Department as well as learned trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)

¹ AIR 1993 SC 1348

