

D/L33
02.01.2024
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C.R.R.4940 of 2023

In Re: An application under Section 401, 482 read with Section 483 of the Code of Criminal Procedure, 1973;

Mallinath Basu alias Mallinath Bose
Versus
The State of West Bengal and another

Mr. Sakabda Roy.
...for the petitioner.

Ms. Amita Gaur.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Amita Gaur, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

Learned advocate for the petitioner submits that the petitioner is aged about 88 years and he has been implicated in a case registered by Nager Bazar Police Station under Sections 323/354/448/452/506 read with Sections 34/120B of the Indian Penal Code. According to the learned advocate for the petitioner, the case was instituted on the basis of an application under Section 156(3) of the Code of Criminal Procedure. The petitioner and the private opposite party no.2 are neighbours who had issues relating to staying over there and the amenities available. Learned advocate submits that in order to take forcible possession, the present case has been initiated and the petitioner is innocent of the charges made against him.

Records reflect that the petitioner was granted anticipatory bail in CRM (A) 1590 of 2023. At present the liberty of the petitioner, as such, is not jeopardized. However, so far as the factual assertions are concerned, it is for the investigating agency to come to a logical conclusion regarding the truth or falsity of the same. No interference can be made at this stage when the investigation is under progress. Petitioner is at liberty to approach this Court at the appropriate stage of the proceedings.

With the aforesaid observations, CRR 4940 of 2023 is disposed of.

Pending connected application, if any, is 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.)