

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1174 of 2025

Devendra Singh & another.

-vs-

State of West Bengal & another.

For the Petitioners : Mr. Rajdeep Mazumder, Ld. Sr. Adv.
: Mr. Pritam Roy, Adv
: Ms. Arushi Rathore, Adv
: Ms. Triparna Roy, Adv

For Halisahar Municipality : Mr. Sandipan Ganguly, Ld. Sr. Adv
: Mr. Avishek Guha, Adv
: Mr. Manaswita Mukherjee, Adv
: Mr. Soham Kumar Roy, Adv
: Mr. Rahul Kumar Singh, Adv
: Mr. Subhajit Das, Adv

For the State : Mr. Suman De, Adv
: Mr. Kunal Ganguly, Adv.

Heard on : 19.05.2025

Judgment on : 19.05.2025

Jay Sengupta, J.:

Leave is granted to file supplementary affidavit. The same is taken on record. Copy of the same is handed over to the learned counsels for the other side.

Learned senior counsel representing the petitioners submits as follows. It has been alleged in the FIR that the petitioners had obtained a sanctioned plan for a property where they were running a hotel. However, they prayed for revision of the said plan that was not granted. It is further alleged that by forging a document, a fake sanction plan was created and by using it, altercations were done. The building in question has now been demolished by the authorities. However, criminal proceeding is still pending. As would appear from the supplementary affidavit, during pendency of this application, the money that the Municipality had accepted for revising the plan has been returned.

Learned senior counsel representing the Municipality opposes the prayer and submits as follows. In 2000, the petitioners had applied for a sanctioned plan for the premise 'A'. It was sanctioned in 2001. For the premises "B", a prayer was made for sanction in 2022. Sanction was granted on 30.06.2022. On 16.09.2022, the petitioners prayed for revising the plan in respect of premises 'A' for turning it into a commercial unit. Application money was submitted, which has now been returned. But, no sanction was granted. The petitioners, by way of forgery, prepared a document. The first page of it

contained the plan for which sanction was sought and the back side contained the earlier sanctioned plan of another premises/premises 'B'. This was produced before different authorities including before the Municipality to obtain permissions. After this fraud was detected, this Court directed demolition of the unauthorized portion of the premises, the same was done. A prima facie case is made out.

Learned counsel appearing on behalf of the State relies on the memo of evidence and the case diary and opposes the prayer for quashing. As would be evident from the documents seized and the statements of witnesses recorded, a prima facie case is made out against the petitioners.

It appears from the First Information Report as well as the materials available in the case diary that a prima facie case is made out against the petitioners.

Simply because the illegal portion of the premises has been demolished pursuant to an order passed by this Court, it does not mean that the alleged criminality would go away.

I find no merit in this application. Accordingly, the same is dismissed, albeit, without any order as to costs.

However, the petitioners shall be at liberty to take up all the points available to him including the ones taken up herein before the appropriate forum.

Urgent photostat certified copy of this order be supplied to the

parties, if applied for, as early as possible.

(Jay Sengupta, J.)

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