

20.02.2025
tkm/ct 28
sl no.9

C.R.R. 3863 of 2024

In Re : An application under section 528 of the Bharatiya Nagarik
Suraksha Sanhita 2023

And

In Re : Bamapada Santra & Ors.

..... petitioners

Sk. Yashin Ali

..... for the petitioners

1. Heard the learned Advocates for the parties.

2. I have perused the impugned charge sheet. In the charge sheet it is alleged petitioners had illegally trespassed on to the opposite party's land and had raised cement pillar and bamboo fencing. When protested, one of the petitioners threatened and intimidated the opposite party. One of them raised his wearing apparels and flaked his private parts to the opposite party. The incident had been video recorded. In conclusion of investigation charge sheet has been filed.

3. Perusal of the charge sheet would show electronic evidence stored in the mobile device has been seized. Petitioners submit there is a pending civil dispute between the parties and the allegations are false and concocted. In view of the fact that investigation resulted in collection of electronic evidence in support of the charge sheet I am of the opinion the allegation of *mala fides* canvassed by the petitioner requires to be looked into by the magistrate in light of the materials collected during investigation. Hence, I do not wish to interfere with the impugned proceeding.

4. It is open to the petitioner to agitate his grievances at the appropriate stage of the proceeding including the stage of consideration of charge, if so advised.

5. With this observation petition is disposed of.

(Joymalya Bagchi, J.)