

C.R.R. 4270 of 2024

In Re: - An application under Section 528 read with Sections 438 and 442 of the Bharatiya Nagarik Surakshya Sanghita, 2023 corresponding to Section 482 read with Section 397 and 401 of the Code of Criminal Procedure arising out of Debra Police Station Case no. 145 of 2024 dated 02.03.2024 under Sections 447/323/325/506/34 of the Indian Penal Code and Charge Sheet being No. 187/2024 dated 29.03.2023 pending before the Learned Chief Judicial Magistrate, Medinipur, Paschim Medinipur

And

Uttam Kumar Bhowmick & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Anjan Paul,
Mr. Mridul Kanti Sasmal,
....For the Petitioners

Mr. Debasish Roy, Ld. P.P
Ms. Sreyashee Biswas,
Ms. Snigdha Saha
....For the State

Affidavit-of-service filed on behalf of the petitioners be kept with the record.

This is an application under Section 528 read with Sections 438 and 442 of the Bharatiya Nagarik Surakshya Sanghita, 2023, corresponding to Section 482 read with Section 397 and 401 of the Code of Criminal Procedure arising out of Debra Police Station Case no. 145 of 2024 dated 02.03.2024 under Section 447/323/325/506/34 of the Indian Penal Code and Charge Sheet being No. 187/2024 dated 29.03.2023

pending before the Learned Chief Judicial Magistrate, Medinipur, Paschim Medinipur.

Perused the Case Diary. There are incriminating elements against the present petitioner in the Case Diary, as it appears from the statement of witnesses recorded under Section 161 of Cr.P.C and other materials.

Learned Counsel for the petitioner submitted that the allegations are false and baseless. Question of falsity or baselessness of the allegations are basically question of fact which cannot be considered at this stage. The petitioner has liberty to raise all these issues at the time of consideration of charge.

It is made clear that observations made herein are tentative only.

Accordingly, the instant application being **CRR 4270 of 2024** stands disposed of commitment, if not done and consideration of charge shall be expedited.

The Case Diary be returned to the Learned Counsel for the State.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Sugato Majumdar, J.)