

06.01.2025

Item No.3
Ct.No.2
kausik

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 369 of 2024

With

CRAN 1 of 2024

Subrata Basu & Anr.

Vs.

The State of West Bengal & Anr.

Ms. Tanuka Basu
Ms. Srishti Sarkar

... For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Sourav Ganguly

...For the State.

Learned advocate appearing for the petitioners is aggrieved by the continuance of the investigation of Metelli PS Case No. 122 of 2023 dated 12.07.2023 and has approached this court invoking the jurisdiction under section 482 of the Code of Criminal Procedure.

Learned advocate appearing for the petitioners submit that a civil case has been given the cloak of a criminal proceeding and the petitioners themselves are victim of circumstances as they have purchased the land and subsequently sold the land to the present private opposite parties/defacto complainant.

Subsequently, after the registration and mutation was done, the Government has taken a different stand that the property which has been sold is not the same property which was shown and the same surfaced at the time of conversion.

Be that as it may, at this stage the duty of a court of law is to encompass itself within the four corners of the First Information Report.

The claim of the defacto complainant is that he was shown a different piece of land and according to the said value the agreement was entered into and subsequently it surfaced that the land which was sold was not the one which was shown to the petitioner to the defacto complainant.

Having considered the fact that the police authorities are investigating the case on the aspect of whether such act of the accused persons were intentional, purposeful and with a mala fide, at this stage, it would not be fit and proper to terminate the investigation of the case.

Accordingly CRR 369 of 2024 is dismissed.

Report so submitted by the state be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)