

Spl 14 of 2017
R No. 22 of 2017

Rupam Biswas Petitioner/Complainant
- Vs -
Amit Deb Majumdar Opposite Parties

Order No.3 dated 17.07.2017

Arising out of an incident dated 21.01.2017 initially the police complaint was lodged, which was referred to Deputy Superintendent of Police, Industrial Zone, Batanagar and on the basis of the said police complaint, Maheshtala P.S Case No.46/17 dated 25.01.2017 under Sections 325/354/506/34 of IPC read with Section 3(1)(x)/3(1)(xi) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 was registered and the said case is under investigation. Out of the same incident dated 21st January, 2017 one complaint petition under Section 156 (3) of the Cr.P.C was filed before the Ld. CJM, Alipore and without taking cognizance, Ld. Chief Judicial Magistrate referred the said complaint petition to the Maheshtala P.S and on the basis of the said complaint petition a separate case being Maheshtala Case No.93/17 has been registered under Sections 34/301/323/324/342/354/354B/511/376/384/506/34 IPC and 3 (1) (e), 3 (1) (r), 3 (1) (s), 3 (1) (s), 3 (1) (zb) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 7 (1)(b) and 7 (1) (d) of the Protection of the Civil Rights Act, 1955.

It appears that in both the cases, the complainant and the accused person are same and identical. Now prayer has been made by the I.O for amalgamation of both the cases.

In view of Section 210 of the Cr.P.C, it appears that arising out of the self-same incident, when two cases have been registered both the cases are not allowed to be continued separately, rather amalgamated or one of the case being arisen from the complaint petition be stayed. In both the cases the investigation must be made treated one case which has been registered on the basis of a police complaint dated 25.01.2017 and the other case, which is later on based on the court complaint need not to proceed further. After investigation, the police report to be submitted in respect to the police case and for the court complaint, which has already been stayed till the investigation in the other case be completed based on the police case, there is no further need to investigate at present of the complaint case. Upon receiving the police report in Maheshtala P.S Case No.46/17 dated 25.01.2017 be outcome of the other case based on the complaint petition will be considered. Prayer of the I.O is answered accordingly.

Inform the I.O of both the cases.

To for report.

Dictated & corrected by me

ASJ, 1st Court

Additional Sessions Judge,
1st Court, Alipore