

September 20, 2024
32 & 33 ARDR

CRR 3059 of 2024

Ajit Gulabchand & ors.
Vs.
The State of West Bengal & anr.

With

CRR 3058 of 2024

Praveen Sood & ors.
Vs.
The State of West Bengal & anr.

Sr. Adv. Sekhar Kumar Basu,
Adv. Ratnesh Kumar Rai,
Adv. Rohan Ojha,
Adv. Sayantaan Das,
Adv. Surojit Saha,
Adv. Debjyoti Sengupta,
Adv. Devanghi Deora,
Adv. Priyanshi Bajaj,

for the petitioners in CRR 3059/24.

Sr. Adv. Sandipan Ganguly,
Adv. Ratnesh Kumar Rai,
Adv. Rohan Ojha,
Adv. Sayantaan Das,
Adv. Surojit Saha,
Adv. Debjyoti Sengupta,
Adv. Devanghi Deora,
Adv. Priyanshi Bajaj,

...for the petitioners in CRR 3058/24.

The petitioners have assailed the order passed by the learned Additional Chief Judicial Magistrate, Alipore on 19th June, 2024 in connection with Behala Police Station case no. 184 of 2022. The initial order passed under Section 156(3) of the Code of Criminal Procedure was assailed by the respective petitioners before this Court by filing three separate revisional applications being CRR 3712 of 2022 (petitioners in CRR 3059 of 2024 herein), CRR 3645 of 2022 and 3999 of 2022 (petitioners in CRR 3058 of 2022 herein) and in view of

the report submitted under Section 173 of the Code before the learned Additional Chief Judicial Magistrate, Alipore, the revisional applications were disposed of as infructuous. However, this Court directed the learned Additional Chief Judicial Magistrate to consider the application under Section 173(8) of the Code filed by the defacto complainant/private opposite parties in accordance with law.

By the order impugned, the learned trial Court has directed further investigation under Section 173(8) of the Code on an observation that it is *prima facie* evident that the bills submitted by the defacto complainant to the accused were forged and presented before the Arbitrator in Delhi. The learned Court has held that this aspect of document forgery was not investigated by the Investigating Officer besides other aspects which require further investigation.

Learned counsels for the petitioners submit that further investigation of the case is continuing and the date for submission of report has been fixed on 23rd September, 2024. Learned counsel submits that the observation made by the learned Magistrate in the order impugned is contrary to the record.

Since further investigation of the matter is continuing, this Court is not inclined to stall the investigation till the matter is heard on merits. However, no coercive steps be taken against the petitioners in connection with the present case till 30th November, 2024 or until further orders, whichever is earlier.

The petitioners are directed to serve copy of the applications along with annexure thereto upon the opposite parties and file affidavits of service on the adjourned date.

Let these matters appear under the heading 'Contested Application' in the monthly list of November, 2024.

(Suvra Ghosh, J.)