

09.08.2024
rc/ct.no.34
Item No.34

CRR No. 3350 of 2024

In the matter of : Arun Kumar Sancheti & Ors.

.....Petitioners

Mr. Sandipan Ganguly
Mr. Amartya Ghosh
Mr. Dipanjan Dutt
Mr. Avik Ghatak
Mr. Surojit Saha

...for the Petitioners

Mr. Jayabrata Basu Ray
Mr. Diptangshu Basu
Mr. Dilbar Khan

...for the Opposite Party No. 2

Since opposite party no. 2 is represented, petitioners have served a copy of the application along with annexure thereto upon the learned counsel for the opposite party no. 2 in Court this day.

The petitioners are directed to serve copy of the application along with annexure thereto upon the State and file affidavit of service on the adjourned date.

Heard learned counsels for the parties.

The petitioners seek quashing of the proceeding being G.R. (S) Case No.453 of 2024 pending before the learned Chief Metropolitan Magistrate, Calcutta (presently re-designated as the learned Chief Judicial Magistrate, Calcutta).

Learned counsel for the petitioners takes this Court to an application made by the private opposite party under Section 156(3) of the Code of Criminal Procedure which was rejected by

the learned Court by an order passed on April 26, 2024 in C No. 50 of 2024. The private opposite party filed another application before the learned Court seeking a direction upon the Investigating Officer to file a fresh report by taking into consideration the documents obtained by him under the provisions of the Right to Information Act, 2005 pursuant to which a fresh report was called for by the learned Court from the enquiry officer vide an order dated March 05, 2024. Learned counsel submits that consideration of the second application and calling for a second report from the enquiry officer is barred under Section 362 of the Code of Criminal Procedure since the earlier application was rejected by the learned Court.

It appears from the material on record that the matter needs to be heard on merits.

Let this matter appear under the heading "Contested Application" on August 23, 2024.

Further proceedings of G.R.(S) Case No.453 of 2024 pending before the learned Chief Metropolitan Magistrate, Calcutta presently re-designated as the learned Chief Judicial Magistrate, Calcutta and corresponding investigation be stayed till August 31, 2024 or until further orders, whichever is earlier.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)