

D/L – 375
24/09/2025
Court No.28
S.Kundu

CRR 4034 of 2025

Tarun Kumar Tiwari & Anr.
Vs.
State of West Bengal & Anr.

Mr. Avik Ghatak
Mr. Soumya Nag
Mr. Abhinav Rakshit

... for the petitioners.

1. Affidavit of service filed by the petitioners is taken on record.
2. No one appears on behalf of the de-facto complainant, although the State is represented.
3. Learned counsel appearing for the petitioners submits as follows. The present proceeding relates to the Jorabagan Police Station Case no. 214 of 2024. Three different criminal cases were started against the petitioners substantially over the same issues. In fact, two of them being Liluah P.S. Case no. 668 of 2024 dated 21.12.2024 and Jorabagan P.S. Case no. 214 dated 20.12.24 pertain to the same date of occurrence, same sets of adverse parties. The only difference was that in one, it was averred that the complainant was hit with a branch of keys on his back and on his head and in the other, the complainant stated that the accused had put a pistol on his head and threatened to cut him into pieces. No prima facie case is made out

against the petitioners as would be plain reading of the First Information Report. In any event, considering the contradiction between the two FIRs, at least one of the versions cannot be correct. Any further continuation of the impugned proceeding shall be an abuse of the process of law.

4. Let the petitioners serve a copy of the application upon the State through the learned Public Prosecutor and upon the opposite party no. 2 by speed post with AD within a week and file affidavit of service to that effect on the next date.
5. List this matter for hearing under the heading 'Motion' on 10th November, 2025 at 3.00 p.m.
6. The petitioners shall be at liberty to pray for an adjournment before the learned Trial Court on the next date fixed for hearing i.e. on 3rd November, 2025.
7. The State shall produce the case diary on the next date.
8. Liberty is granted to pray for stay of the proceeding after production of the case diary.
9. The petitioners shall also intimate the next date of hearing to the de-facto complainant.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)