

**02.12.2025**  
Court No.34  
Item.45  
sg

**CRR 4379 of 2023**  
**With**  
**I.A. No. CRAN 1 of 2025**

In the matter of: **Omprakash Agarwal & Anr.**

...Petitioners.

Mr. Pinak Kumar Mitra  
Mr. Kaustav Talukdar  
Ms. Ankita Dutta

...for the petitioners.

Md. Anwar Hossain  
Sk. Arif Hossain

...for the State.

1. CRAN 1 of 2023 is taken up for hearing since it is submitted on behalf of the petitioner that during pendency of this revisional application investigation was concluded and the charge sheet was submitted that has been placed before this Court by way of supplementary affidavit.

**Re. : CRAN 1 of 2025**

2. This is an application filed by the petitioner praying for extension of interim order filed by the petitioner for stay of all further proceedings till disposal of the revisional application which has been filed for quashing of investigation and proceeding in connection with the G.R. Case No. 1764 of 2023 pending before the Court of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad. First, it is submitted by the learned advocate

representing the petitioner that the charge sheet thereafter submitted and liable to be quashed because of non compliance of the mandatory provision in terms of the Trade Mark Act whereby the investigating authority must be an officer not below the rank of Deputy Superintendent of Police in this case investigation has been conducted by the S.I. of Police. Secondly, the mandatory provision to obtain the report from the Trade Mark registrar has not been taken.

3. It is further submitted that in the third week of December possibly date is fixed for framing of charge. Unless the order of stay is granted purpose of filing of this revisional application will be frustrated.

4. None appears to represent the opposite party no.2. Affidavit of service filed this Court shows that notice was given on 22.11.2025 which was received on 28<sup>th</sup> November, 2025.

**5.** Learned advocate representing the State raised objection and submits and relied upon a decision of Karnataka ***High Court in Manju Nath M.S. Vs. ARISIKERE TOWN POLICE and ANR., 2024, K.H.C. 25896.***

6. On perusal of that decision also it transpires that investigating authority was the Deputy Superintendent of Police which is not in the instant case.

7. Therefore, this Court is of the view that the petitioner is prima facie able to establish an arguable case for which the matter is required to be heard.

8. Accordingly let there be an interim order of stay of all further proceedings till 31<sup>st</sup> January, 2026.

9. Matter be listed in the Monthly List of January, 2026 under the heading 'Contested Application'.

10. Accordingly, criminal revisional application being CRAN 1 of 2023 is disposed of.

11. Petitioner is further directed to serve notice along with copy of this order to the opposite party no.2 through registered post with A.D and to file affidavit of service on the next date of hearing.

12. State is directed to produce the Case Diary on the next date of hearing.

13. Parties are to act on the server copy of the order downloaded from the High Court Official Website.

**(Chaitali Chatterjee (Das), J.)**