

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

**10.04.2024
Court No.3
Item No.9
nb**

CRR 5 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure;

And

In the matter of: **Basudev Paul**

.**Petitioner.**

Ms. Rohan Ojha,
Mr. Ratnesh Kr. Rai,
Mr. Sayantan Das,
Ms. Eshs Acharya,

... For the petitioner

This is an application under Section 482 of the Code of Criminal Procedure for quashing of the proceedings of G.R. Case No.1947 of 2023 arising out of Bagdorga P.S. case No.232 of 2023 dated June 1, 2023 under Section 447/379/34 of IPC.

Learned advocate for the petitioner submits that there was a long standing civil disputes between the opposite party and the present petitioner. The opposite party only lodged false written complaint on the ground of theft of tea leaves amounting to Rs.60,000/-. The allegation is false and concocted. The present petitioner and the opposite party no.2 are full brothers; possession of ancestral property is the sole cause of the dispute. No criminality can be proved in this matter. Accordingly, he prayed for necessary order.

Having heard the learned advocate for the petitioner I find, petitioner demonstrates a good arguable case in this CRR. Accordingly, the instant CRR be admitted.

The petitioner is directed to serve copy of the petition along with annexures thereof upon the opposite party and file affidavit of service on the returnable date.

Let the matter be fixed in the next ensuing Circuit Bench.

Considering the facts and circumstances of the case, there shall be stay of operation of the G.R. case no.1947 of 2023 pending before the learned Judicial Magistrate, Siliguri till May 24, 2024 or until further order whichever is earlier.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Subhendu Samanta, J.)