

D/L42
21.12.2023
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C.R.R.4886 of 2023

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure;

Kailashpati Das
Versus
Sushmita Das

Mr. Karunasish Chakraborty
Ms. Rinku Chowdhury.
...for the petitioner.

Petitioner has challenged the proceedings on the basis of a certificate issued by the Ex-Minister-in-Charge and according to his certificate that he was on duty and, as such, there is no possibility an offence to be committed. Learned advocate has also submitted that the Deputy Commissioner of Police, Special Branch, Kolkata has also issued a certificate to the effect that the petitioner was on duty at the relevant time when the alleged offence was committed. The same are plea of alibi and are to be considered by the court at the appropriate stage. No issues have been canvassed before this Court relating to the merits of the alleged offence after the investigating agency has arrived at their conclusion.

Having regard to the issues so canvassed, I am of the opinion that the petitioner would be at liberty to take up the plea of alibi at the stage of Section 313 of Cr.P.C. and/or at the defence witness stage.

With the aforesaid observations, CRR 4886 of 2023 is disposed of.

Pending connected application, if any, is consequently

disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)