

06.9.2019

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

11.
SM

C.R.R.71of 2019

In the matter of: **Pawan Brahma & Ors.**

Mr. Kallal Ghosh.
.....for the petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty.
.....for the State.

This revisional application has been preferred against the order dated 19.07.2019 passed by the learned Additional Sessions Judge, 2nd Court, Jalpaiguri, in Special Case No. 02 of 2018 under Section 409 of the Indian Penal Code arising out of Jaigaon Police Station Case No. 187 of 2018 dated 14.09.2018. I find from the order dated 09.07.2019 that the learned Special Court was pleased to refuse the prayer for discharge against the petitioners and subsequently frame charge against the accused petitioners.

Mr. Nilay Chakraborty, learned advocate appearing for the State supports the order passed by the learned Special Court.

In view of the contention advanced in the revisional application, I find that the same relates to disputed question of facts which are to be taken up by the petitioners in course of trial and cannot be agitated before this court while exercising its jurisdiction under Section 401/482 of the Code of Criminal Procedure. Having taken into account the factual assertion, I

grant liberty to the petitioners to take up the points agitated in the revisional application at the appropriate stage of trial which is about to commence before the learned trial court.

Accordingly, C.R.R. No.71 of 2019 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of requisite formalities.

(Tirthankar Ghosh, J.)

