

08.12.2020

Item No.3
Ct.No.42
dc.

C.R.R. 2007 of 2019

Gopal Chaki alias Gopal Kumar Chaki & Anr.
versus
The State of West Bengal & Anr.

Mr. Chandradoy Roy ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly ... For the State.

The learned advocate for the petitioners is present in Court.

The learned advocate for the petitioners submits that the instant case has all the trappings of civil proceedings and the jurisdiction of the criminal court has been invoked for harassing the present petitioners. According to the learned advocate, surprisingly on completion of investigation, the investigating agency has also filed the charge-sheet.

Mr. Arijit Ganguly, learned advocate who ordinarily appears for the State is directed to appear in this matter.

I have perused the revisional application along with the annexures/enclosures. I do not find the copies on which the prosecution intends to rely for proving its case are present along with the revisional application. As such, it is not possible for this Court to form a definite opinion whether a criminal case has been made out or not.

In view of such circumstance, I am of the opinion that the revisional application has been preferred at a premature stage and as such, there is no scope for interference.

However, the petitioners are granted liberty to take up all the points canvassed in the revisional application at the stage of consideration of charge before the learned trial court. Needless to state that this Court has not gone into the merits of the contention as the same has been held to be premature, the learned Magistrate would be at liberty to independently form his opinion on the points canvassed by the petitioners.

With the aforesaid observations, CRR 2007 of 2019 is disposed of.

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

(Tirthankar Ghosh, J.)