

Court no.34
19.03.2021
Item no.04
(Suvendu)

CRR 376 of 2018

In the matter of: - Sarbani Mondal & Anr. ...petitioners

It is found that earlier on 01.05.2018 the matter was adjourned and on 15.05.2018 none appeared when the matter was taken up for consideration. The matter has been running in the list for a considerable period of time and today also, none appears on behalf of the petitioner or prays for any accommodation on its behalf. As such, the matter is taken up for deciding on merits.

The subject matter of the case involves charge-sheet no. 312 of 2017 dated 29.11.2017 arising out of G.R.Case No. 676 of 2017 (Daspur Police Station Case No. 268 of 2017 dated 03.11.2017) under Sections 447/323/324/325/307/354 (B)/34 of the Indian Penal Code. The main thrust of contention of the petitioners is that the present case is the counter-blast to another case which was initiated at the instance of the petitioners being Daspur Police Station Case No. 206 of 2017 dated 24.08.2017 under Sections 447/427/506/34 of the Indian Penal Code read with Section 3 (1) X of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The petitioners' contention is that the investigating authorities by ignoring the said case has filed the charge-sheet in connection with the present case thereby implicating the petitioners without any fault on their part and the said charge-sheet filed by the investigating officer should not be given any legal sanctity and the learned Magistrate without considering this aspect of the matter, took cognizance of the same.

I have also perused the enclosures which were annexed along with the revisional application and I find that except the FIR and charge-sheet, no other documents under Section 207 of the Code of Criminal Procedure (which are usually relied upon by the prosecution in support of its case) have been enclosed.

Assessing the subject matter on which the investigating officer arrived at his opinion thereby asking trial before a court of law in respect of the present petitioners, I do not think it would be fit and proper to interfere without going into the merits of the statements under Sections 161 and 164 of the Code of Criminal Procedure and the medical/injury reports and I hold that the stage at which the petitioners approached this Court was a premature stage. Accordingly, I hold that the present revisional application is not entitled to be decided in favour of the petitioners and as such, the revisional application is dismissed.

Urgent certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Tirthankar Ghosh, J.)