

Sr.95
09-09-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 401 of 2018

In the matter of : Abhijit Roy Burman & Ors.
.petitioners.

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

Mr. Tapan Dutta Gupta
Mr. Parvez Anam
....for the petitioners.

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. Debjani Sahu
...for the State.

The report submitted by the Officer-in-Charge,
Women Police Station, Serampore Chandannagar
Commissionerate be kept with the record.

I have perused the case diary and I find that although there are allegations under several sections, but all the sections may not be applicable to all the accused persons. However, having regard to the stage of the case and the fact that the learned Magistrate would consider the same at the stage of the consideration of charge, I am not inclined to pass specific directions as to which sections will be applicable to which particular accused persons.

The learned Magistrate will exercise such discretion at the stage of consideration of charge. The petitioners would be at liberty to agitate the points so canvassed in this revisional application at such stage provided an application under Section 239 of the Code of Criminal Procedure is placed before the learned Magistrate.

Needless to state that the learned Magistrate will not be swayed by the observations made by this court and would independently consider the application keeping in mind that the sections incorporated in the chargesheet were in generalized manner and they are to be segregated according to their applicability in respect of the allegations which are appearing in the statement under Section 161 Cr.P.C and several materials collected by the Investigating Agency in course of investigation.

With the aforesaid observations, the present revisional application being CRR 401 of 2018 is disposed of.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)