

Sr.22
23-08-2021
Subha.
Court no. 34

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

CRR 475 of 2012

In the matter of : Dilip Kumar ChatterjeePetitioner.

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

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

Mr. Arijit Ganguly
Mr. Sandip Chakraborty
....for the State.

Mr. Dutta Gupta, learned advocate appearing for the petitioner submits that prima facie the allegations made in the F. I. R and the charge-sheet reflect that a civil case has been converted into a criminal case by incorporating materials which are absent.

Learned advocate for the petitioner also submits that there are civil cases pending between the parties.

Be that as it may, I find that the petitioner approached this court at a stage when the documents on which the prosecution intend to rely were not supplied to them

and as such the same has not been enclosed along with the revisional application.

The report as submitted by the Officer-in-Charge, Burwan Police Station also reflects that another accused is absconding and warrant of arrest has been issued against him. Let the report as submitted by the Officer-in-Charge, Burwan P. S., Murshidabad through the learned advocate for the State be kept with the record.

Having regard to the fact that the case was registered in the year 2008 and the case could not proceed to the stage of consideration of charge, I am of the view that if within a month from date the other accused person is not available before the court, then on 9th September, 2021 the learned court would be at liberty to proceed to the next stage of the process in respect of the second accused namely, Samir Kumar Chatterjee and take steps for segregating the trial of the case so that the present petitioner before this court namely, Dilip Kumar Chatterjee would be in a position to ventilate his grievance after receiving the copies filed under Section 207 of the Code of Criminal Procedure at the stage of Section 239 of the Indian Penal Code.

Needless to state that this court has not entered into the merits of this case and the learned Magistrate would independently consider the substance of the accusation as to whether a case is made out for framing of charge.

With the aforesaid observations, the present revisional application being 475 of 2012 is disposed of.

All pending applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)