

Sr.10
19-08-2021
Subha.
Court no. 34

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

CRR 630 of 2020

In the matter of : Joydeep Joardar @ Joydip Joarder & Anr.
.....Petitioners.

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

Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee,
Mr. Rameez Alam
....for the petitioners.

Ms. Mandobi Chowdhury
...for the opposite party no.2.

Mr. Saswata Gopal Mukherjee, PP
Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas
....for the State.

Affidavit of service filed by the petitioners in court be
kept with the record.

This revisional application was preferred challenging
the chargesheet filed in connection with Khardah Police
Station Case No. 152 of 2017 dated 17-02-2017 under
Sections 341/323/325/452//506/120B/34 of the Indian
Penal Code pending before the learned Additional Chief
Judicial Magistrate, Barrackpore, North 24 Parganas.

Mr. Moyukh Mukherjee, learned advocate appearing for the petitioners emphasizes that the instant case was initiated in gross violation of the provision of law and the police authority has mechanically submitted the chargesheet by inserting the sections which are not applicable so far as the materials which have been collected in course of investigation.

Mr. Saswata Gopal Mukherji, learned Public Prosecutor draws the attention of this court to the relevant part of the case diary and the nature of allegations made therein. The learned Public Prosecutor also drew the attention of this court to the prescription of the government doctor.

I have considered the submissions of both the sides and on an appreciation of the same, I find that the case is at a premature stage for being considered by this court. It is for the learned trial court to decide whether charges can be framed on the materials or not.

As submitted by the petitioners that the police authorities have portrayed by exaggerating the sections in the chargesheet, I do not think that it is an appropriate stage for this court to consider regarding the applicability of the sections when the petitioners are at liberty to take out an application under Section 239 of the Code of Criminal Procedure.

In view of the stage at which the petitioners have approached this court, I am of the opinion that the same is premature. However, the petitioners will be at liberty to

agitate the points canvassed in this revisional application at the stage of consideration of charge by taking out an appropriate application under Section 239 of the Code of Criminal Procedure.

With the aforesaid observations, the present revisional application being CRR 630 of 2020 is disposed of.

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

Interim order earlier granted 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.)