

07.09.2021
Sl. Nos.147
Court No.34
BM

CRR 781 of 2020

Sushanta Jana & Ors
Vs.
State Of West Bengal & Anr.

Mr. Samiran Mandal
Mr. Nitish Samanta ... for the petitioner

Mr. Arijit Ganguly
Ms. Purnima Ghosh ... for the State

Affidavit of service filed be kept with the record.

Mr. Arijit Ganguly, learned advocate appeared on behalf of the State.

The petitioners have challenged the proceeding in relation to Bhagwanpur Police Station Case No.145 of 2019 dated 18.07.2019. The records reflects that the investigating officer on completion of the investigation has already submitted their report under Section 173 of the Code of Criminal Procedure and cognizance has also been taken by the jurisdictional court.

There are two fold grounds taken by the learned advocate for the petitioners. Firstly, according to the learned advocate appearing for the petitioners, the First Information Report was registered after six months of the incident and the medical report also reveal that the deceased herself divulged before the Doctor that the injury was caused due to her negligence. The petitioners have approached this Court at a stage when document under Section 207 of the Code of Criminal Procedure which the prosecution intend to rely to prove its case, and has not been

served upon them, the aforesaid two grounds taken up by the petitioners may be appreciated when other materials are before the court for consideration.

Having regard to the stage at which the petitioners approached this court I am of the view that the same is at a premature stage, the petitioners would be at liberty to canvas the grounds agitated in this revisional application at the stage of consideration of charge. The learned Magistrate would independently consider the contention advanced by the petitioners without being influenced by any observations made by this Court.

With the aforesaid observations CRR 781 of 2020 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All the parties are directed to act on the server copy to be obtained from the official Website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)