

06.08.2021
Item no.12
Ct. No.34
CHC

C.R.R. No.681 of 2012

(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Tanusree Sarkar & ors.

... petitioners

Mr. Swapan Banerjee,

Mr. Mirza Firoz Ahmed Beg

...for the State

The present revisional application has been preferred against the order dated 13.01.2012, passed by the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur, in connection with Bhagawanpur Police Station Case No.2/2012, dated 03.01.2012, under Sections 143/323/308/380 of the Indian Penal Code.

Records of the revisional application reflect that the petitioners approached this Court against an order of taking cognizance of the offence when the chargesheet was submitted before the learned court. The points which have been canvassed in the revisional application are mainly question of facts relating to case and counter case.

Having regard to the stage at which the petitioners approached this Court prior to the documents under Section 207

of the Code of Criminal Procedure being served upon them, I am of the view that any interference without the materials collected by the investigating agency to come to a finding under Section 173 of the Code of Criminal Procedure is likely to prejudice the complainant. As such, no interference is called for at this stage.

However, the petitioners would be at liberty to agitate the points canvassed in the revisional application at the appropriate stage of the proceedings.

Thus, the revisional application being C.R.R.681 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Learned Magistrate is directed to proceed with the case and arrive at a logical conclusion.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)