

D/L.31
13.08.2021
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C.R.R. No 745 of 2017
(Via Video Conference)

Sri Birendra Nath Das
Versus
The State of West Bengal and Anr.

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

Ms. Devipriya Mitra,
Ms. Juin Dutta Chakraborty.
...for the petitioner.

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

Ms. Priyakshi Banerjee.
...for the opposite party no.1.

Mr. Arijit Ganguly, learned advocate, submits a status
report, which has been filed by the Inspector-in-Charge of
Chandannagar Police Station.

Let the report be kept with the record.

Report reflects that on 10th September, 2021, date has
been fixed for consideration of charge.

The petitioner approached this Court at a stage when
copies under Section 207 of the Code of Criminal Procedure were
not supplied and, as such, restricted the revisional application to
the other litigation pending between the parties, the complaints
lodged with the different authorities as also the order passed at the
other stage of the proceeding in connection with the instant case.

Having regard to the contentions of the petitioner and the

stage of the case before the learned trial court, I am of the view that the revisional application was preferred at a premature stage before this Court. The petitioner would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure, if so advised before the learned trial court prior to the next date so fixed and serve the public prosecutor representing the State.

The learned trial court is directed that as the next date is fixed on 10.09.2021, the learned trial court would consider the contentions advanced by both the parties and dispose of the said application within a week thereafter.

Needless to state that this Court has not entered into the merits of the case and the learned trial court would be at liberty to independently consider the contentions advanced by the petitioner as well as the State.

With the aforesaid observations, CRR 745 of 2017 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)