

06.09.2021

Item No.2
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 2148 of 2013
with
CRAN 2 of 2016 (Old No. CRAN 3719 of 2016)
(Via Video Conference)**

**Shri Asit Kumar Choudhury
versus
The State of West Bengal & Anr.**

Mr. Apalak Basu	... For the Petitioner.
Mr. Swapan Banerjee, Mr. Suman De	... For the State.
Mr. Krishnendu Bhattacharya, Mr. Priyankar Ganguly	... For the Opposite Party No.2.

The petitioner has challenged the proceedings arising out of Jorebanglow Police Station Case No. 17 dated 24.03.2011 under Sections 406/409/420/468/34 of the Indian Penal Code. Although the revisional application was preferred in the year 2013, but the main thrust of the allegation related to viability of the first information report. I find that prior to the revisional application being preferred, charge-sheet was filed by the investigating agency on conclusion of investigation. The documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the accused persons.

In view of the aforesaid, I restrain myself to comment on the merits of the case so far as the complicity of the present petitioner is concerned.

The petitioner is granted liberty to agitate the points canvassed in the revisional application at the stage of Section 239 of the Code of Criminal Procedure provided an application to that extent is filed before the jurisdictional court.

I reiterate that the merits of the case have not been considered and as such, the learned court below would be at liberty to independently consider the merits of the case without being influenced by any observations made above.

With the aforesaid observations, CRR 2148 of 2013 is disposed of.

Interim order, if any, is hereby vacated.

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

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

(Tirthankar Ghosh, J.)