

11-05-2022
Subha
Item no.40
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 122 of 2016

In the matter of : Sanchita Bera (Pusti) @ Sanchita Bera Pusty & Anr.
.....petitioners.

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

Mr. Arijit Ganguly
Mrs. Sujata Das
.....for the State.

The petitioner has approached before this court challenging the proceedings relating to Chandipur Police Station Case No. 24 of 2015 dated 01/02/2015 under Sections 341/323/324/354/506/34 of the Indian Penal Code and the chargesheet filed in connection with the said proceedings.

As none appeared on behalf of the State, Mrs. Sujata Das, learned advocate who ordinarily appears on behalf of the State was directed to represent the State. Her appointment may be regularized by the concerned Authorities in due course.

I have considered the contentions advanced in this revisional application which reflects that the present criminal case was initiated as a counter-blast to the case under Sections 498A/323/506 of the Indian Penal Code which was initiated at the instance of the petitioner no. 1. However, the Investigating Agency on conclusion of investigation has come to a finding regarding a prima facie offence being made out.

Having regard to the contentions advanced in the revisional

application, I am of the opinion that without assessing the documents on which the prosecution has submitted its report under Section 173 of the Code of Criminal Procedure, it would not be fit and proper to interfere with the subject matter of continuance of the proceedings. For the present, I hold that the present revisional application is premature. The petitioners would be at liberty to agitate the points canvassed in this revisional application at the stage of consideration of charge provided the learned trial court has not overcome the same stage in course of the trial.

With the aforesaid observations, the present revisional application being CRR 122 of 2016 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]