

29.06.2022

Sl. No. 37

Srimanta

Ct.No. 42

CRR/1682/2022

In the matter of : **Mostaque Ahammed @ Mustak Ahamed & Anr.**

...petitioners.

Mr. Avinaba Patra, Adv.

...for the petitioners.

Mrs. Amita Gaur, Adv.,

Ms. Puspita Saha, Adv.

...for the State.

The petitioners have filed the instant criminal revision assailing the legality, validity and propriety of the order dated 21st March, 2022 passed by the Learned Special Judge, 3rd Court at Malda.

This revisional application can be disposed of here and now. Therefore, Mrs. Amita Gaur, Learned Public Prosecutor-in-Charge is requested to assist this Court on behalf of the prosecution. Copy of the application has been served upon the Learned Public Prosecutor-in-Charge. I have heard both sides.

By filing a petition which was rejected on 21st March, 2022 the petitioners prayed for collection of mobile tower location of the police personnel who allegedly conducted raid in respect of Baishnabnagar Police Station Case No. 155/2022 in order to show as to whether the accused persons were actually arrested from the alleged place of occurrence or not.

The Learned Special Judge rejected the said application on the ground that investigation was in progress and he is not in a position to pass such direction which may affect the course of investigation.

It is submitted by the Learned Advocate for the petitioners that in the meantime charge-sheet has been

submitted. Therefore, the petitioners are given liberty to file such application afresh before the Learned Special Judge and the Learned Special Judge shall consider such application, if filed, even one month from the date of filing of such application and pass necessary order in accordance with law.

With the above direction, the instant criminal revision is **disposed of.**

(Bibek Chaudhuri, J.)