

D/L 24
April 1,
2022
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C.R.R. No.2766 of 2019

In Re: An application under Section 397, 401 read with 482 read with Sections 401 and 397 of the Code of Criminal Procedure filed in connection with Bally P.S. Case No.76/16 dated 29.06.2016 under Section 341/323/379/354/506/34 of the Indian Penal Code;

Somnath Naskar & Anr.
Versus
The State of West Bengal & Anr.

Mr. B.P. Banerjee,
Mr. Aniket Mitra,
Mr. Parashar Baidya.
...for the petitioners.

Ms. Anasuya Sinha,
Mr. Pinak Kr. Mitra.
...for the State.

Affidavit-of-service so filed by the petitioners be kept with the record.

Mr. Mitra, learned advocate appearing for the petitioners submits that because of the disputes and differences between the family members the present case was originated and was registered by the police authorities who have acted in excess and submitted charge-sheet under Sections 448/323/506/34 of the Indian Penal Code. Learned advocate has also submitted that the petitioner no.2 is not a family member, yet because of his approach for diluting the disputes amongst the family members, he has been falsely implicated in the instant case. Additionally, it has been submitted that the petitioner no.2 is aged about 75 years and on such false accusation, it would be travesty of justice if he is asked to face the

ordeal of a trial.

Ms. Sinha, learned advocate, appears on behalf of the State and resists the submissions advanced by Mitra, learned advocate appearing for the petitioners.

I have considered the allegations in the light of the submissions so made by the learned advocate appearing for the petitioners. Involvement of the petitioners have been reflected by the investigating officer in his report under Section 173 of the Code of Criminal Procedure. Truth or falsity cannot be gone into by this Court at this stage.

Learned advocate for the petitioners have repeatedly pressed before this Court for the production of the case diary as the petitioners are yet to receive the documents under Section 207 of the Code of Criminal Procedure.

Having regard to the stage at which the petitioners approached this Court, I am of the opinion that the subject matter of challenge is at a premature stage. The petitioners would be at liberty to agitate the points canvassed in the revisional application after the documents on which the prosecution relies upon under Section 207 of the Code of Criminal Procedure are supplied to them at the appropriate stage and take recourse according to law.

With the aforesaid observations, CRR 2766 of 2019 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.)