

17-02-2022
Subha
Item-21
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 3240 of 2019

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

In the matter of : ***Soumajit Ghosh & Ors.*** ...Petitioners.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

....for the petitioners.

Mr. Avik Ghatak
Mr. Amit Ranjan Pati

.....for the O. P. No.2.

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

..for the State.

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

Pursuant to the earlier order, Mr. Chakraborty, learned advocate for the petitioners has appeared before this court and assigned the reasons for his absence on the earlier occasion when the matter was called.

Mr. Ghatak, learned advocate appears on behalf of the opposite party no.2.

Mr. Tanmoy Kumar Ghosh, learned advocate appears on behalf of the State.

Mr. Chakraborty, learned advocate stresses on the issues of the further continuance of the proceedings before the learned trial court on the anvil of the series of events which have taken place, the delay in lodging the FIR and the factual narrations made therein.

Learned advocate for the petitioners also emphasizes on the materials collected by the Investigating Agency in course of the trial.

I have taken into account the submissions advanced by all the parties and is of the opinion that the issues so raised before this court are premature and as such, I am reluctant to interfere with the continuance of the proceedings at this stage in view of the fact that the petitioners are entitled for an assessment of the facts before the learned trial court at the appropriate stage.

The petitioners presently would be at liberty to canvass the points/issues raised in this revisional application at the stage of the consideration of charge and the learned Magistrate would consider the same in its true and proper perspective, provided an application under Section 239 of the Code of Criminal Procedure is filed before the jurisdictional court.

With the above observations, the revisional application being CRR 3240 of 2019 is disposed of.

Interim order, if any, is, hereby, vacated.

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

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

(Tirthankar Ghosh, J.)

