

07.09.2022

Item No.40

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 87 of 2022

**Suraiya Yesmin & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 482 & 401 of the Code of Criminal Procedure, 1973.

Mr. S. Mukherjee,
Mr. Debajit Kundu

... For the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty

... For the State.

This revisional application has been preferred challenging the proceedings arising out of Cooch Behar Women (S) Police Station Case No. 21 of 2019 dated 29.04.2019 under Sections 498A/313 of the Indian Penal Code wherein charge-sheet has been filed by the investigating agency on completion of investigation.

Learned advocate for the petitioners submits that petitioner no.1 happens to be the sister-in-law and her husband. The main thrust of contention of the petitioners is that there is a delayed FIR of 23 days as also the fact that the petitioners were staying at a separate place in the district of Alipurduar.

Mr. Nilay Chakraborty, learned advocate appears for the State.

I have considered the submissions of the learned advocate appearing for the petitioners as well as the learned

advocate appearing for the State. I find that the petitioners approached this Court immediately on charge-sheet being filed under Section 173 of the Code of Criminal Procedure. Till date, the documents under Section 207 of the Code of Criminal Procedure have not been handed over to the present petitioners or they have not been enclosed along with the revisional application.

Be that as it may, only on the FIR, written complaint and the formal charge-sheet, this Court cannot invoke jurisdiction under Section 482 of the Code of Criminal Procedure. The petitioners would be at liberty to approach this Court after the copies under Section 207 of the Code of Criminal Procedure are supplied and the issues are dealt with by the learned Magistrate at the stage of consideration of charges.

Needless to state that this Court has not gone into the merits of the case regarding the issues raised by the petitioners as in the opinion of this Court, the application is premature and devoid of materials for adjudication by this Court.

The learned Magistrate would independently consider the issues at the time of consideration of the charges. No interference can be made at this stage.

With the aforesaid observations, the revisional application being CRR 87 of 2022 is disposed of.

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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)