

D/L21
18.07.2023
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C.R.R.125 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Abdul Khalid
Versus
State of West Bengal and another

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Avijit Kar
Mr. B.B. Bera.
...for the petitioner.

Mr. Md. Anwar Hossain
Ms. Manisha Sharma.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Learned advocate appearing for the petitioner has challenged the proceedings arising out of Cyber Police Station Case No.128 of 2021 dated 04.09.2021 wherein after investigation, charge-sheet has been submitted under Sections 419/420/465/468/471 and Sections 66C/66D/84 of the Information Technology Act.

The stage at which the petitioner approached this Court was immediately after the charge-sheet was submitted and the documents under Section 207 of the Code of Criminal Procedure were yet to be supplied to the present petitioner.

Petitioner submits that he gave all the documents which were necessary to prove his innocence but the investigating agency without considering the same submitted charge-sheet in spite of the fact that the petitioner has been carrying out a bona fide business.

Be that as it may, the application at this stage before this Court is a premature one. Petitioner would be at liberty to canvass his points in an application under Section 239 of the Code of Criminal Procedure before the jurisdictional court after receipt of the copies under Section 207 of the Code of Criminal Procedure. Learned Magistrate would consider the same on the merits of the application under Section 239 of the Code of Criminal Procedure without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 125 of 2023 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)