

S/L-14
13-06-2023
KOLE

CRR 173 of 2023

Md. Aliul Islam @ Aliul Islam
-Vs.-
The State of West Bengal & Anr.

Mr. Jayanta Narayan Chatterjee,
Ms. S. Ghosh,

... for the petitioner.

Mr. S. G. Mukherjee, Ld. PP,
Mr. Md. Anwar Hossain,
Mr. S. Biswas,

... for the State.

Learned Advocate appearing for the petitioner has challenged the continuance of the proceeding being Slp. 8 of 2021 arising out of Raghunathganj Police Station Case No. 81 of 2021 dated 10.02.2021, wherein charge sheet was submitted under Sections 420, 406 and 409 of the Indian Penal Code. The said case is presently before the learned Additional Sessions Judge, 2nd Special Court, Murshidabad.

Mr. Chatterjee, learned Advocate, appearing for the petitioner questions the applicability of Section 409 of the Indian Penal Code in the background of the fact that the present petitioner happens to be contractual employee and he has been vindicated in the office while he was in his employment.

A copy of the revisional application may be served to Mr. Anwar Hossain, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned authorities.

I have considered the submissions of Mr. Chatterjee and I find that the documents under Section 207 of the Code of

Criminal Procedure are yet to be supplied to the petitioner. In view of the same I consider the revisional application to be premature. Petitioner would be at liberty to take out an application in the nature of Sections 227/239 of the Code of Criminal Procedure. Learned Special Court will consider the contentions advanced in the present revisional application as well as the applications for discharge, if any, filed under Sections 227/239 of the Code of Criminal Procedure.

With the aforesaid observations, CRR No. 173 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 be supplied to the parties, if applied for, as early as possible.

(Tirthankar Ghosh, J.)