

D/L12
01.09.2023
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C.R.R.194 of 2023

In Re: An application under Section 482 read with Section 401 of the Criminal Procedure Code, 1973;

Binoy Majumder @ Binay Majumder and others
Versus
The State of West Bengal and another

Mr. Arghya Kamal Das.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P
Mr. Anwar Hossain
Ms. Manisha Sharma.
...for the State.

Mr. Sourav Chatterjee
Mr. Arijit Bhusan Bagchi.
...for the opposite party no.2.

Petitioners are directed to serve a copy of the revisional application upon Ms. Manisha Sharma, learned advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioners submits that he has received instructions today for representing the petitioners before this Court.

The earlier order dated 15.06.2023 reflects that none represented the petitioners.

The merits of the revisional application reflects that the prayer which has been advanced before this Court is for quashing of the charge-sheet in connection with New Township Police Station Case No.21 of 2022 dated 28th February, 2022 under Sections 341/323/325/307/354/506/34 of the Indian Penal Code wherein

charge-sheet submitted under Sections 341/323/325/354/34 of the Indian Penal Code.

I find from the enclosure of the revisional application the order-sheet, FIR and charge-sheet has only been enclosed. None of the documents under Section 207 of the Code of Criminal Procedure has been enclosed along with the revisional application.

Having regard to the manner in which the revisional application has been preferred, I am of the opinion that the same is premature. Accordingly, I grant liberty to the petitioners to approach the jurisdictional court by taking out an application under Section 239 of the Code of Criminal Procedure at the appropriate stage after copies under Section 207 of the Code of Criminal Procedure is supplied to the petitioners. Needless to state that the learned jurisdictional court/trial court would decide the issue of discharge without being influenced by any observations made by this Court while disposing of the revisional application.

With the aforesaid observations, CRR 194 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.)

