

C.R.R. 216 of 2023

**Prabir Acharya @ Narayan Acharya & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Lakshmikanth Bhattacharya
Mr. Rajib Kumar Acharyya
Mr. B. Maity

... ... for the petitioners

Mr. Imran Ali
Ms. Debjani Sahu

... ... for the State

Petitioners are directed to serve a copy of the revisional application upon the Ms. Debjani Sahu, Ld. Advocate who ordinarily appears on behalf of the State. Her appointment be regularized by the concerned authorities.

Learned advocate appearing for the petitioners submits that if the allegations in the FIR are taken to be correct, the same is improbable in view of the fact that before revealing of the incident by the accused the case was registered for investigation. Learned advocate appearing for the petitioners submits that there is another case which was filed by Antara Pramanik against the present complainant who after suffering 80 days in custody under section 376 of the Indian Penal Code was released and subsequently initiated the present case. According to the learned advocate for the petitioners the present case has been initiated with an ulterior motive for vengeance upon the petitioners.

Ms. Sahu, learned advocate for the State opposes the contentions and submits that what has been highlighted before this Court are issues relating to truth and falsehood of the fact and the same cannot be taken into consideration.

I have considered the submissions of the learned advocate for the petitioners as well as the learned advocate for the State and I find that the charge-sheet has been submitted very recently. Papers and documents under section 207 of the Code of Criminal Procedure are yet to be supplied to the present petitioners who happen to be accused.

Revisional application at this stage is premature. Petitioners would be at liberty to take out an application under section 227 of the Code of Criminal Procedure before the learned trial Court, if so advised.

Learned trial Court will dispose of the application in accordance with law without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 216 of 2023 is disposed.

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.

(Tirthankar Ghosh, J.)