

25.07.2023

Item No.32
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 266 of 2023

In the matter of : **Alamgir Mondal & Anr.** ... Petitioners.

Mr. Manas Kumar Das,
Mr. Asraf Mandal ... For the Petitioners.

Mr. Tanmay Kumar Ghosh,
Mr. Mirza Firoj Ahmed Begg ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Tanmay Kumar Ghosh, learned advocate, who ordinarily appears for the State. Mr. Ghosh, learned advocate is assisted by Mr. Mirza Firoj Ahmed Begg, learned advocate for the State. Their appointment may be regularised by the concerned authorities.

The subject-matter of the present revisional application relates to continuance of the proceedings arising out of Palashipara Police Station Case No. 286 of 2020 dated 04.10.2020 under Sections 498A/304B/34 of the Indian Penal Code. The petitioners are brothers-in-law and it has been submitted that at the relevant point of time, they were at Kuwait pursuing their livelihood over there. According to the learned advocate for the petitioners, the petitioners were there from 2017 and were never in the vicinity of the place of occurrence or in communication with the family members so far as day to day regular affairs are concerned. Learned advocate submits that for reasons unknown, the petitioners

have been implicated only because of the fact that they happen to be the brothers of the husband of the deceased.

The investigation of the case has already been concluded and charge-sheet has been submitted before the jurisdictional court. It is not transparent from the revisional application as to whether the petitioners or the other accused persons have received the copies under Section 207 of the Code of Criminal Procedure. In view of the prayer so advanced before this Court, I am of the opinion that the application is premature.

The petitioners would be at liberty to canvass all such points including the documents relating to their passports, visa and the fact that they were staying outside the country at the relevant point of time when the alleged offence took place.

The learned trial court would consider the same at the stage of consideration of charges. The learned trial court will arrive at its independent finding without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 266 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)