

D/L24
18.07.2023
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C.R.R.311 of 2023

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

Samir Kumar Santra and another
Versus
The State of West Bengal and another

Mr. M.A. Samad
Mr. Srijit Chatterjee.
...for the petitioners.

Earlier on 27th June, 2023 petitioners prayed for liberty to file supplementary affidavit enclosing the documents under Section 207 of the Code of Criminal Procedure. Accordingly, in presence of the learned advocate, date was fixed on 18th July, 2023.

Today, when the matter has been called, learned advocate, appears and submits that he is unable to file supplementary affidavit enclosing the documents under Section 207 of the Code of Criminal Procedures as his clients have been suffering ailments.

I have scrutinized the contentions advanced in the revisional application which relate to charge-sheet submitted in connection with Penro Police Station Case No.84 of 2021 dated 17.07.2021. Charge-sheet in this case was filed on 30th August, 2021 under Sections 498A/34 of the Indian Penal Code. As the revisional application is not enclosed along with the documents under Section 207 of the Code of Criminal Procedure, the opinion and its foundation is not transparent before this Court. The brief

facts narrated by the Investigating Agency do make prima facie offence under Section 498A of the Indian Penal Code.

However, the petitioners would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure before the jurisdictional Magistrate after receipt of the copies under Section 207 of the Code of Criminal Procedure. Learned jurisdictional Magistrate would consider the same 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 311 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.)