

July 18, 2023
AD – 27
Ct. 34
SG

CRR 351 of 2023

*Prosenjit Mukherjee and another
-versus-
State of West Bengal and another*

Mr. Pawan Kumar Gupta
Mr. Sajal Kumar Pandit
Ms. Sofia Nesar
Mr. Santanu Sett

... for the petitioners.

Mr. S.G. Mukherjee, Id. PP
Ms. Sujata Das

... for the State.

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

The subject matter of the present revisional application relates to Sonarpur Police Station Charge-sheet No.541 of 2022. Charge-sheet was submitted under Sections 341/323/325/354/506/34 IPC.

Learned advocate for the petitioners submits that there are no materials and injury report to support the injuries for which Sections 323/325 IPC has been incorporated in the charge-sheet.

Learned advocate for the petitioners also submits that within 2 days charge-sheet was submitted before the jurisdictional court.

However, having regard to the fact that the petitioners approached this Court at a stage when the documents under Section 207 Cr.P.C. were yet to be supplied and the charge-sheet is the foundation on the basis of the documents and statements on which the prosecution proposes to rely, I am of the opinion that the application was preferred at a prematured stage.

Petitioners would be at liberty to canvass the points which have been advanced in the present revisional application by taking out an appropriate application under Section 239 Cr.P.C.

Learned trial court would dispose of the same in accordance with law without being influenced by any observation made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 351 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 certified copy of this order, if applied for, be made available to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)

