

26.07.2023

Item No.296

Ct.No.34

dc.

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

C.R.R. 444 of 2022

with

CRAN 1 of 2023

with

CRAN 2 of 2023

In the matter of : **Pallab Mondal** ... Petitioner.

Ms. Sreeparna Das ... For the State.

Ms. Das, learned advocate appears for the State.

There has been delay in preferring the restoration application. The reasons so assigned in the application being CRAN 2 of 2023 are found to be just and sufficient. Accordingly, the application being CRAN 2 of 2023 is allowed.

Learned advocate has assigned reasons in the restoration application wherein it has been prayed for recalling the order dated 04.05.2023. The order dated 04.05.2023 reflects that the revisional application was dismissed for default. Having considered the reasons assigned in the application being CRAN 1 of 2023, I am of the view that the same are just and sufficient. Accordingly, the order dated 04.05.2023 is recalled and the revisional application is restored to its original file and number.

The application being CRAN 1 of 2023 is, thus, allowed.

Re: CRR 444 of 2022

Ms. Das, learned advocate appearing for the State draws the attention of this Court to the charge-sheet which has been submitted in connection with Rajarhat Police Station Case No. 29 of 2019 dated 26.01.2019 under Sections 323/325/427/506 of the Indian Penal Code. The case is

presently pending before the learned Judicial Magistrate, 1st Court, Barasat, North 24-Parganas.

Having perused the enclosures of the revisional application, I do not find that the documents under Section 207 of the Code of Criminal Procedure have been enclosed along with this application. It is not transparent whether the said documents have yet been served upon the petitioner. The revisional application, according to this Court, was filed at a premature stage.

The petitioner would be at liberty to prefer application in the nature of Section 239 of the Code of Criminal Procedure before the learned Magistrate at the appropriate stage.

The learned Magistrate would consider the said application in its true and proper perspective 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 444 of 2022 is disposed of.

Pending other 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.)