

30-06-2023
Subha
Item no. 59
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 560 of 2023

Vaibhav Daga
-versus-
The State of West Bengal & Anr.

Mr. Apalak Basu
Mr. Nazir Ahmed
Ms.Sanghamitra Mridha
....for the petitioner.

Mr. Saryati Datta
....for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Saryati Datta, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Petitioner has challenged the proceedings of Shakespeare Sarani P.S. Case No. 198 of 2021 dated 25.11.2021 wherein the chargesheet was submitted under Sections 354A/509/506(ii) of the Indian Penal Code.

Learned advocate submits that the present petitioner who has been arraigned as an accused in the said case instituted the first case, consequent to which as a counter-blast the present case was initiated.

I have considered the submissions of the learned advocate for the petitioner and I have also considered the enclosures to the revisional application. I do not find that the documents on which

the prosecution have filed the chargesheet is available at this stage. Consequently, the petitioner would be at liberty to canvass the points advanced in the present revisional application by way of taking out an appropriate application in the nature of Section 239 of the Code of Criminal Procedure before the jurisdictional trial court. The jurisdictional trial court would consider such 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, the present revisional application being CRR 560 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

