

21.06.2023.

Item No. 91

ap

C.R.R. 574 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 filed on 15.02.2023;

And

In the matter of: Abid Hossain @ Md. Abid Hossain.

.....Petitioner.

Md. Hasanuz Zaman,
Mr. Shahriyar Karim Akhan.

...For the petitioner.

Ms. Manashi Roy.

...For the State.

The petitioner is directed to serve a copy of the instant revisional application upon Ms. Manashi Roy, learned Advocate, who normally appears on behalf of the State.

Her appointment is regularized by the concerned authority.

The learned Advocate appearing for the petitioner submits that he has been falsely implicated in Pukhuria Police Station FIR No. 51 of 2022 dated 24.02.2022 where the charge-sheet has been submitted under Sections 363/365/368/34 of the Indian Penal Code and Section 6 of the POCSO Act. He draws the attention of this Court to the observations made in the application under Section 438 of the Code of Criminal Procedure wherein the prayer for anticipatory bail was allowed.

The said order was passed on 8th August, 2022. The charge-sheet in this case was submitted on 14th May, 2022. The learned Advocate for the petitioner submits by relying upon the order of anticipatory bail regarding the factum of false implication in the present case.

I have considered the contentions advanced as also the document which have been enclosed in the revisional application and which do not refer to any of the document under Section 207 of the Code of Criminal Procedure although I find that in the formal part of the charge-sheet, 14 witnesses have been relied upon by the prosecution. There are some convenient documents i.e. only the medical documents which have been enclosed along with this revisional application, even the statement under Section 164 of the Code of Criminal Procedure of the victim is not available.

Neither a revisional application nor an application for quashing can be considered on convenient set of documents which are enclosed with the revisional application and the applicant is supposed to come up with clean hands in a Court to apply its mind judiciously.

I do not find that the whole facts of the case have been placed before this Court and there are full of suppression of material facts in the present revisional application. Considering the same, I am not inclined to interfere with the continuance of the proceedings.

Accordingly, C.R.R. No. 574 of 2023 is dismissed.

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

All parties shall act on the basis of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

