

16.06.2023

Item No.66
Ct.No.34
dc.

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

C.R.R. 604 of 2023

In the matter of : **Dr. Sudipta Bhattacharya** ... Petitioner.

Mr. Tapan Datta Gupta,
Ms. Rituparna Ghosh,
Mr. Sourav Sardar ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Ms. Debjani Sahu, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

The petitioner challenges the continuance of the proceedings relating to B. Garden Police Station Case No. 134 of 2018 dated 23.06.2018 under Sections 354D/509/506/34 of the Indian Penal Code wherein the police authorities after conclusion of investigation submitted charge-sheet before the jurisdictional court.

Mr. Datta Gupta, learned advocate appearing for the petitioner submits that the allegations made in the complaint and the charge-sheet fail to satisfy the ingredients of the offence for which the charge-sheet has been submitted before the jurisdictional court. Learned advocate submits that the petitioner happens to be a doctor who has been maligned because of such act of the complainant and the same was with a malafide design to harass him.

I have considered the enclosures in the revisional application and I do not find the documents and papers on which the prosecution has based its foundation for preparation of the charge-sheet. Learned advocate for the petitioner submits that the same are yet to be received. Having regard to the same, I direct that in case, the petitioner takes out an application under Section 239 of the Code of Criminal Procedure after receiving the copies under Section 207 of the Code of Criminal Procedure, the learned trial court will consider such contentions of the petitioner in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 604 of 2023 is disposed of.

Pending 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.)