

11-10-2023
Subha
Item no. 29
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 616 of 2023

*Sourav Mondal @Giridhari Mondal & Ors.
-versus-
The State of West Bengal & Anr.*

Mr. Chandan Dutta,
.....for the petitioners.

Mr. Imran Ali
Ms. Debjani Sahu
....for the State.

Petitioners are directed to serve a copy of the revisional application upon Ms. Debjani Sahu, learned advocate who ordinarily appears on behalf of the State. Her appointment may be regularized by the concerned Authorities in due course.

Learned advocate for the petitioners challenges the continuance of the proceedings arising out of Gangajalghati P. S Case No. 51 of 2022 dated 24-05-2022 under Sections 498A/307/406/120B of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned advocate for the petitioners submits that no offence under Section 307 of the Indian Penal Code has been made out and it was on this ground on which the petitioners were granted anticipatory bail.

On perusal of the revisional application and enclosures, I

find that only the report under Section 173 of the Cr.PC has been enclosed and the document under Section 207 of the Code of Criminal Procedure on the basis of which the report under Section 173 of the Code of Criminal Procedure has been filed before the jurisdictional court has not been enclosed along with the revisional application.

Learned advocate submits at the relevant period when the revisional application was preferred at that stage the documents under Section 207 of the Code of Criminal Procedure were not available but subsequently the same has been supplied and the case has been committed to the court of sessions. Date has been fixed on 20th December, 2023 for consideration of charges.

If the petitioners take out any application under Section 227 of the Code of Criminal Procedure before the learned trial court, the learned trial court would scrutinize the same according to the settled proposition of law particularly with regard to the factum of applicability of Section 307 of the Code of Criminal Procedure and the injury report available in the records of the case.

No interference is made by this court at this stage.

Needless to state that the observations made above are for the purposes of disposal of the present application and the trial court while considering the application under Section 227 of the Code of Criminal Procedure will arrive at its independent findings.

With the aforesaid observations, the present revisional application being CRR 616 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.

[Tirthankar Ghosh, J]