

18.09.2023
Serial no. 99
[G.S.D]

CRR 680 of 2023

In the matter of : Abdul Malek @ Abdul Malek Sarkar

... .. Petitioner

Mr. Pankaj Halder

Mr. Subhendu Bhattacharjee

Ms. Joyeeta Adhikary

... for the petitioner

Mr. Tanmoy Kr. Ghosh

Ms. Sujata Das

... For the State

The petitioner challenges the continuation of Tapan P.S. Case No. 433 of 2020. Charge-sheet submitted therein.

Ld. Advocate submits that charge-sheet was submitted under 506 of IPC read with section 4 of the POCSO Act.

The petitioner is directed to serve a copy of this revisional application upon Ms. Sujata Das, Id. Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authority.

The records of the Id. Trial court reflects that on 13th January, 2023, date was fixed for consideration of charges. However, none of the documents under Section 207 of the Cr.P.C., which were already served on 9th of December, 2022 have been enclosed along with the revisional application.

Accordingly, if, till date, charges have not been framed, then, the petitioner would be at liberty to canvass such point as agitated in the present revisional application before the Id. Special Court at the time of consideration of charges.

Alternatively, if the charges have already been framed, then, in that case, the petitioner would be at liberty to challenge the charges by taking out an application before this court.

No interference is made, at this stage, so far as the present revisional application is concerned.

With the aforesaid observations, CRR 680 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)