

19-09-2023
Subha
Item no. 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 696 of 2023

Ranjit Mallik
-versus-
State of West Bengal & Anr.

Mr. Dilip Kumar Shyamal
Mr. Gourab Ghose

.....for the petitioner.

Mr. Tanmoy Kumar Ghosh
Mrs. Sujata Das

.....for the State.

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

Learned advocate has challenged the chargesheet which has been submitted in connection with Frazergunj Coastal Police Station No. 49 of 2022 dated 11.04.2022. The foundation of the argument of the petitioner is that the petitioner was at school and was never associated with the alleged offence in spite of that chargesheet has been filed against him in connection with Sections 498A/304B/302/34 of the Indian Penal Code and Section 34 of the D. P. Act.

Petitioner has also enclosed a document issued by the Teacher-in-charge of Balichak Primary School which reflects that the petitioner attended the school from 05-04-2022 to 16-04-2022 and did not take any leave during this period. Petitioner has also enclosed attendance sheet along with the said document of the Teacher-in-Charge. The said document is not of such sterling or unimpeachable quality that on relying upon the same, the court of law can quash a chargesheet. Petitioner submits that such document was placed before the Investigating Agency

but the Investigating Agency did not take into account and submitted the chargesheet. To that extent the petitioner has produced his evidence before the learned trial court. At this stage, I find that the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners. The revisional application is premature. Petitioner would be at liberty to take out the issue at the stage of Section 227 of the Code of Criminal Procedure before the trial court. Learned trial court would dispose of the same in accordance with law without being influenced by any observations made by this court while disposing of the revisional application.

With the aforesaid observations, the revisional application being CRR 696 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]