

10.05.2023
Serial no.3
Aloke
Ct. No. 30

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

CRR 704 of 2020

Nabarun Mishra

Vs.

State of West Bengal

Mr. Satadru Lahiri

Mr. Musharraf Hussain

Mr. Safdar Azam

... for the petitioner

Mr. Sourav Chatterjee

Mr. Moyukh Mukherjee

Mr. Aditya Tiwari

... for the victim

The present revision has been preferred against the order dated 5th February, 2020 passed by the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur, in connection with GR Case No. 2155 of 2019 arising out of Panskura P.S. Case No. 495 of 2019 dated 08.10.2019 under Sections 302/120B of the Indian Penal Code and Sections 25/27 Arms Act, thereby rejecting the prayer of the accused/petitioner for supply of certain documents/materials as relied upon by the prosecution in terms of Section 207 of the Code of Criminal Procedure, 1973 and committing the case before the learned Sessions Judge, Purba Medinipur.

The order under revision dated 5th February, 2020 is placed before the Court.

On perusal of the records, it is seen that a petition had been filed before the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur under Section 207 of the Code of Criminal Procedure along with some other applications. As the petition under Section 207 Cr.P.C. was not in accordance with law (not signed), the court finding no merit in the said application rejected

the same. The learned Chief Judicial Magistrate then proceeded for commitment of the case to the Court of Sessions, considering the nature of offences under which the charge-sheet has been submitted.

While commitment of the said case, the learned Chief Judicial Magistrate held that the provisions of Section 207 of the Code of Criminal Procedure has already been complied with against the accused and, hence, the case was committed to the Court of Sessions.

It is submitted by the learned counsel for the petitioner that the trial in the present case has commenced and for ends of justice, necessary directions may be given to the trial court to consider the prayer of the petitioner at the appropriate stage of the trial.

Thus, considering the nature of the prayer of the petitioner and the fact that the trial in the present case has already commenced and is progressing, the revisional application is disposed of with the direction upon the learned trial court to consider the prayer of the petitioner at the appropriate stage of trial as it deems fit and proper and dispose of the said prayer, if any, in accordance with law.

The revisional application is accordingly disposed of.

All connected application, if any, stands disposed of.

Interim order, if any, stands vacated.

Urgent photostate certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)