

CRR 721 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of: Sarmistha Pathak @ Sharmistha Pathak & Anr.
... Petitioners.

Mr. Rohit Das
Mr. Indradip Das
Ms. Kishwar Rahman
Ms. Divya Jyoti Tekriwal
Mr. Preetam Majumdar
Ms. Sristi Roy

... for the Petitioners.

Mr. Saswata Gopal Mukherji
Mr. Imran Ali
Mrs. Debjani Sahu

... for the State.

Learned advocate appearing for the petitioners is directed to serve copy of this revisional application upon Mr. Imran Ali, learned advocate, who ordinarily appears for the State. His appointment may be regularized by the concerned authorities.

Petitioners have challenged the continuance of Bidhannagar North PS Case No.268 of 2021 under Section 498A of the IPC. The said case is pending before the learned ACJM, Bidhannagar.

The enclosure to the revisional application reflects that only the FIR and charge-sheet have been submitted and the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners. Accordingly, the foundation on which the charge-sheet has been submitted before the learned Magistrate is not transparent before this Court. The revisional application is premature.

The petitioners would be at liberty to approach this Court after receipt of the documents under Section 207 of the Cr.P.C. or

approach the learned jurisdictional Magistrate by taking out an appropriate application under Section 239 of the Cr.P.C. and pray for discharge prior to the stage of consideration of charges.

Learned Magistrate will consider the same in accordance with law without being influenced by any observation made by this Court.

With the aforesaid observations, the revisional application being CRR 721 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)