

D/L35
10.01.2023
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C.R.R.749 of 2021

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

Barun Dev Barman
Versus
The State of West Bengal and another

Mr. Anwar Hossain,
Ms. Manisha Sharma.
...for the State.

The present revisional application was preferred challenging the continuance of Nandakumar Police Station Case No.56 of 2020 dated 09.02.2020 under Sections 417/376/420/506 of the Indian Penal Code.

As none appeared on behalf of the State, Ms. Manisha Sharma, learned advocate, who ordinarily appears on behalf of the State, is directed to represent the State. Her appearance may be regularised by the concerned authorities.

Records of the revisional application reflect that on 15.03.2021 when the revisional application appeared before a co-ordinate Bench, leave was sought for by the learned advocate for the petitioner to file a supplementary affidavit incorporating the chare-sheet. Till date, such supplementary affidavit has not been filed before the court.

The subject-matter of the revisional application relates to challenge of the First Information Report and the commencement of the investigation. The issues so raised relate to question of facts.

Having considered the fact that charge-sheet has already been submitted and the petitioner has relied upon the charge-sheet or its accompaniments mainly the documents under Section 207 of the Code of Criminal Procedure, I am of the opinion that the revisional application do not call for any interference. The petitioner would be at liberty to agitate such points at the stage of consideration of charge or at the stage of trial, if so advised.

With the aforesaid observations, CRR 749 of 2021 is disposed of.

Pending 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.

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

(Tirthankar Ghosh, J.)