

12.10.2023

Item No.40
Ct.No.34
dc.

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

C.R.R. 997 of 2023

In the matter of : **Atanu Kundu & Ors.** ... Petitioners.

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. S. Sinha ... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Koushik Kundu ... For the State.

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

The present revisional application has been preferred challenging the proceedings being Dhaniakhali Police Station Case No. 89 of 2022 dated 11.05.2022 under Sections 448/341/323/354B/504/506/34 of the Indian Penal Code pending before learned Chief Judicial Magistrate, Hooghly at Chinsurah.

I find from the enclosures to the revisional application that the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners as the petitioners have till date not appeared before the jurisdictional court. It reflects from the last order dated 30.11.2022, so enclosed, that date was fixed for service return of the summons. Having considered that the learned court at the first instance issued summons and the revisional application was pending before this Court for a considerable

period of time, I direct that in case the petitioners appear before the court, the learned Magistrate will take into account that the offences complained of are magistrate triable offences and the investigation of the case has already been concluded. As such, custodial interrogation of the petitioners is unwarranted in the facts and circumstances of the case.

The petitioners would be at liberty to take out application under Section 239 of the Code of Criminal Procedure before the jurisdictional trial court. The learned trial court would consider the same in accordance with law without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 997 of 2023 is disposed of.

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

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)