

12.10.2023
Item No.42
Ct.No.34
dc.

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

C.R.R. 999 of 2023

In the matter of : **Bidhan Chandra Kundu @
Bidhan Kundu & Anr.** ... Petitioners.

Mr. S. S. Roy,
Mr. Debapriya Samanta ... For the Petitioners.

Mr. Santanu Deb Roy ... For the State.

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

Mr. Roy, learned advocate appearing for the petitioners challenges the charge-sheet which has been filed in connection with Burdwan Police Station Case No. 746 of 2022 dated 10.07.2022. Learned advocate submits that there is case and counter-case in connection with the instant case.

I have perused the application under Section 156(3) of the Code of Criminal Procedure, so enclosed, wherein the accused preferred an application under Section 156(3) of the Code of Criminal Procedure. However, no order-sheet is forthcoming reflecting that FIR was registered subsequent to the application under Section 156(3) of the Code of Criminal Procedure preferred before the jurisdictional court.

I have also considered the report under Section 173 of the Code of Criminal Procedure. I find that there are certain original road challans which substantiate the contentions of

the *de facto* complainant. Without going into the details, I find that the petitioners are yet to receive the documents under Section 207 of the Code of Criminal Procedure.

Accordingly, all the points which have been canvassed in this revisional application be addressed by the petitioners before the jurisdictional court after receipt of the documents under Section 207 of the Code of Criminal Procedure by taking out an application under Section 239 of the Code of Criminal Procedure, if so advised. The learned Magistrate would consider the same in its proper perspective 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 999 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.)