

D/L61
12.09.2023
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C.R.R.1115 of 2023

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

Samser Mallick alias Shamsher Mallick and others
Versus
The State of West Bengal and another

Mr. Syed Nasimaejaz
Mr. Ejaz Akhter.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P
Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

The petitioners have challenged the continuance of Mangalkote Police Station Case No.264 dated 28.08.2022 wherein charge-sheet was submitted under Sections 498A/406/34 of the Indian Penal Code.

Petitioners are directed to serve a copy of the revisional application upon Mr. Imran Ali, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Records reflect that although charge-sheet has been submitted but the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the accused persons.

Accordingly, I am of the opinion that the application of the petitioners is premature. Petitioners would be at liberty to approach this Court after receipt of the documents under Section 207 of the Code of Criminal Procedure or in the alternative they

would be at liberty to challenge the proceedings at the stage of Section 239 of the Code of Criminal Procedure. Learned Magistrate is directed to dispose of the application under Section 239 of the Code of Criminal Procedure without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 1115 of 2023 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.)