

31.07.2023
Serial no. 36
[G.S.D]

CRR 1140 of 2023

In the matter of : Sujit Biswas

... .. Petitioner

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
Ms. Srabanti Das
Ms. Neha Singh

... For the Petitioner

Mr. Tanmoy Kr. Ghosh
Ms. Sujata Das

... For the State

The petitioner is directed to serve a copy of this revisional application upon Mr. Tanmoy Ghosh, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

The petitioner has challenged the continuance of Hanskhali P.S. Case No. 537 of 2021 dated 13.8.2021 under Sections 376/511/379 of the I.P.C.

The record reflects that the case has been committed to the Court of Sessions and is awaiting for consideration of charges. None of the documents under Section 207 of the Code of Criminal Procedure has been enclosed in this revisional application.

Learned Advocate submits that there is a civil dispute between the parties and, as such, the petitioner has

been implicated in the instant case, although he is an employee of the defence service. Such plea is obviously a question of fact, which cannot be considered at this stage.

Accordingly, this revisional application is premature.

However, the petitioner would be at liberty to canvass all such points at the stage of Section 227/228 of the Cr.P.C. before the Learned Additional Sessions Judge, *in seisin*, of the matter.

The Learned Sessions Court would consider the plea of the petitioner without being influenced by any observations made by this Court while considering the present revisional application.

With the aforesaid observations, CRR 1140 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)