

D/L16
18.08.2023
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C.R.R.1429 of 2022

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

Jay Singha Banerjee and others
Versus
The State of West Bengal and another

Mr. Subrata Bhattacharjee.
...for the petitioners.

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

An accommodation has been sought for on behalf of the learned advocate engaged for conducting the revisional application.

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 appearance may be regularised by the concerned authorities.

Petitioners approached this Court challenging the continuance of Mogra Police Station Case No.14 of 2021 dated 11.01.2021 wherein charge-sheet was submitted under Sections 498A/406 of the Indian Penal Code. The enclosures to the revisional application include only First Information Report and documents relating to passport of the petitioner and the charge-sheet which has been submitted before the jurisdictional court. None of the documents under Section 207 of the Code of Criminal Procedure which gives rise to the formation of the opinion under Section 173 of the Code of Criminal Procedure have been enclosed along with

the present revisional application.

Petitioners, as such, are directed to canvass the issues in the present revisional application by way of taking out an application in the nature of Section 239 of the Code of Criminal Procedure before the jurisdictional Magistrate after receipt of the copies under Section 207 of the Code of Criminal Procedure. If such application is filed, the learned jurisdictional Magistrate would dispose of the application for discharge in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 1429 of 2022 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.)