

June 15, 2023
AD -87
Ct. 34
SG

CRR 1269 of 2023

Nitai Chandra Das and others
-versus-
The State of West Bengal and another

Mr. Sandipan Ganguly
... for the petitioners

Mr. Binoy Panda
Ms. Puspita Saha
... for the State

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

Learned advocate for the petitioners challenges the continuance of Kotwali PS Case No.585/22 dated 29.08.2022 wherein the police authorities on continuation of investigation submitted a charge-sheet.

Learned advocate for the petitioners submits that the present petitioners were also victimised and they sustained injuries. Their properties were also attacked and they were also made accused in connection with the instant case.

Learned advocate for the petitioners also submits that there are two cases. In Kotwali PS Case No.585/22, the petitioners have been made accused but the other case is Kotwali PS Case No.678/22 wherein the complainant and his associates are accused. He also submits that there was delay in the FIR because of one of the injured was admitted

in the hospital and the present complainant exhausted his remedy to register FIR.

I have considered the submissions of learned advocate for the petitioners.

However, I find that the petitioners approached this Court at a stage when the foundation of the documents on which the charge-sheet was prepared were not made available to the present petitioners.

As such, the prosecution case and its viability are hazy and cannot be assessed to be fit for continuation or not.

In view of the stage of the case, I am of the opinion that the petitioners have approached the court prematurely. They are at liberty to take out appropriate application in the nature of Section 227 Cr.P.C. at the time of consideration of charges, after receiving the copies and documents under Section 207 Cr.P.C. Learned trial court would consider the same in accordance with law without being influenced by any observation made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 1269 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.

(Tirthankar Ghosh, J.)

