

09.08.2023
Serial no. 58
[G.S.D]

CRR 1361 of 2023

In the matter of : Nilarnab Mondal & Anr.

... .. Petitioners

Ms. Priyakshi Banerjee

... For the Petitioners

The present revisional application has been preferred challenging the continuance of the proceedings arising out of Bhadreswar P.S. Case No. 341 of 2022 dated 5.7.2022.

Learned Advocate for the petitioners is directed to serve a copy of this revisional application upon Mr. Imran Ali, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

It has been brought to the notice of the Court that by an order dated 28.10.2022, the Learned Magistrate on receipt of the charge-sheet, was pleased to take cognizance of the offences under Section 498A/406/323 of the I.P.C. and Sections 3 and 4 of the D.P. Act.

By the said order, the Learned Magistrate discharged Alpana Mondal/the petitioner no.2.

Later by the said order, the Learned ACJM, Chandernagore, was pleased to record that copies have

been supplied to the accused persons and the Case has been transferred to the Learned JM, 2nd Court for trial and disposal.

Having regard to the factum that the only documents which are available before this Court are the FIR and the Charge-sheet and, as none of the document under Section 207 of the Cr.P.C. have been enclosed, I am of the opinion that the substance and foundation on which the revisional application is factually based, cannot be assessed by this Court, at this stage.

Having regard to the fact that the copies have been supplied already, the petitioner no.1, is at liberty to take up the point, canvassed in the present revisional application on the basis of the document under Section 207 of the Cr.P.C. supplied to him, at the stage of Section 239 of the Code of Criminal Procedure. The Learned Magistrate would dispose of such application in accordance with law without being influenced by any of the observations made by this Court.

With the above observations, CRR 1361 of 2023 is disposed of.

Pending application, 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.)