

31.07.2023
Serial no. 39
[G.S.D]

CRR 1441 of 2023

In the matter of : Tuhin Kanti Biswas & Ors.

... .. Petitioners

Ms. Manika Roy

... For the Petitioners

Mr. Arijit Ganguly
Mr. Kaushik Kundu

... for the State

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

Learned Advocate for the State has challenged the continuance of Gaighata P.S. Case No. 1200 of 2021 dated 21.12.2021 including the charge-sheet therein under Sections 447/323/120B/34 of the I.P.C.

Learned Advocate has taken the Court through the brief state of facts as narrated in the Report under Section 173 of the Code of Criminal Procedure filed by the Investigating Officer of the case.

Prima facie, it reflects, from the brief facts of the case, that there were disputes between the close relatives relating to execution of a deed of property.

Be that as it may, the prosecution, in order to prove its case, has relied upon eight witnesses, which includes the police officials and one doctor. Moreover, neither the document under section 161 of the Cr.P.C. nor any medical report of the doctor is enclosed along with the present revisional application.

As such, I am of the opinion that the present revisional application is premature.

The petitioners would be at liberty to take out an application in the nature of 239 of the Code of Criminal Procedure before the jurisdictional Learned Trial Court. The Learned Trial Court would consider the application in its proper perspective without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 1441 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.)