

28-11-2023
Subha
Item no. 11
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1835 of 2023

Nand Kishor Shaw and Anr.
-versus-
State of West Bengal

Mr. Kanishk Sinha
.....for the petitioners.

Mr. Neguive Ahmed
Ms. Amita Gaur
.....for the State.

Supplementary affidavit so filed be kept with record.

The subject matter of the revisional application relates to M.
P. Ghora Police Station Case No. 221 of 2021.

Learned advocate for the petitioners challenged the continuance of the proceedings and submits that the chargesheet which has been submitted by the Investigating Officer on completion of investigation is concocted in view of the fact that one of the witnesses referred to therein as PW-3 has categorically stated on oath that he was not examined by the police authorities.

Secondly, it has been submitted that even if the allegations in the complaint are accepted to be true in its entirety, no offence under Section 341 of the Indian Penal Code is made out.

I have considered the submissions and have also taken into account the case diary, which has been produced by Mrs. Gaur, learned advocate for the State. There are medical reports of injury. The names of the present petitioners are surfacing so far as their

alleged complicity are concerned. At this stage, the duty of the court is to see whether any offence has been made out and which sections are to be applied.

Thus, no interference is made by this court at this stage. The learned trial court in seisin of the trial of the case at the stage of the consideration of charges would take into account the facts and apply the provisions of Sections 239 or 240 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 1835 of 2022 is disposed of.

Pending applications, if any, are disposed of accordingly.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]