

19.04.2023

Item No.60
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1517 of 2021

**Sri Prabir Kumar Dutta & another
versus
State of West Bengal & another**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sujit Saha ... For the Petitioners.

Mr. Arijit Ganguly,
Ms. Manisha Sharma ... For the State.

Mr. Soubhik Mitter,
Ms. Diksha Ghosh,
Ms. Afreen Begum,
Mr. Sayan Mukherjee ... For the Opposite Party No.2.

Status report submitted by Ms. Manisha Sharma,
learned advocate appearing for the State be kept on record.

The present revisional application was filed by the petitioners at a stage when charge-sheet was already submitted before the jurisdictional court. The learned advocate appearing for the petitioners draws the attention of the Court to the contention of the application under Section 156(3) of the Code of Criminal Procedure as also the charge-sheet. Learned advocate submits that he is yet to receive the documents on which the prosecution proposes to rely on.

Ms. Sharma, learned advocate for the State submits that there are number of documents on which the prosecution has the basic foundation of its case.

Learned advocate for the private opposite party no.2 is also present.

Having considered the fact that the petitioners are yet to receive the documents under Section 207 of the Code of Criminal Procedure on the basis of which the prosecution has laid its foundation for filing of the charge-sheet, I am of the opinion that until and unless the said documents are appreciated, the submission of the learned advocate appearing for the petitioners that a false case has been foisted upon the petitioners at the instance of the *de facto* complainant cannot be appreciated.

The petitioners would after receipt of the copies, pray for discharge before the learned Magistrate and they would be at liberty, if they are aggrieved by refusal of their prayer for discharge by the learned Magistrate to approach this Court.

With the aforesaid observations, the revisional application being CRR 1517 of 2021 is disposed of.

Pending connected applications are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)