

D/L27
12.12.2023
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C.R.R.1772 of 2023

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Prahallad Adhikary
Versus
The State of West Bengal

Mr. Tapan Dutta Gupta
Mr. Parvej Anam.
...for the petitioner.

Ms. Puspita Saha.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Puspita Saha, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

Learned advocate appearing for the petitioner submits that the petitioner by way of power of attorney gave his motor cycle to a different person and during the said period the alleged offence was committed for which Baruipur Police Station Case No.939 of 2020 under Sections 279/304 of the Indian Penal Code was registered for investigation. Petitioner is innocent of the charges. However, the investigating authority on conclusion of investigation submitted charge-sheet and process was issued against the petitioner.

Having considered the submissions of the learned advocate appearing for the petitioner, I am of the view that until and unless the documents under Section 207 of the Code of Criminal

Procedure are supplied to the present petitioner, it would be premature on private documents to arrive at a conclusion. The present petitioner would be at liberty to canvass all the points at the appropriate stage particularly at the stage of Sections 239/227 of the Code of Criminal Procedure. Learned trial court would dispose of the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 1772 of 2023 is disposed of.

Pending connected 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)