

S/L-58
13-06-2023
KOLE

CRR 1851 of 2023

Rajib Kr. Jha
-Vs.-
The State of West Bengal & Anr.

Mr. Rajdeep Mazumder,
Mr. Pritam Roy,
Mr. S. Bhattacharjee,

... for the petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Pratik Bose,

... for the State.

The petitioner is directed to serve a copy of the revisional application upon Mr. Tanmoy Kr. Ghosh, learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularized by the concerned authority. Mr. Mazumder, learned Advocate, appearing for the petitioner submits that the petitioner Sri Rajib Kumar Jha has been foisted with series of cases being Malda PS Case No. 403 of 2019 dated 02.07.2019 under Sections 341/323/354B of the IPC, English Bazar PS Case No. 1257 of 2019 dated 12/12/2019 under Sections 341/323/325/506/427 of the IPC and Malda PS Case No. 794 of 2019 dated 25.12.2019 under Sections 341/323/427 of the IPC read with Section 3(c) of the SC/ST Act, 1989.

The learned Advocate has challenged the continuance of proceedings relating to Malda Police Station Case No. 787 of 2019 dated 20th December, 2019 under Section 409 of the IPC, wherein upon completion of investigation, charge sheet was submitted before the jurisdictional court. Mr. Mazumdar submits that charge sheet has very recently been submitted.

The documents under Section 207 of the Code of Criminal Procedure are yet to be served upon the petitioner. Learned Advocate has drawn the attention of the court to the difference in the documents of the Government departments particularly regarding the finding of the investigating officer and that of the Block Development Officer. Be that as it may, the stage at which the petitioner approached the court is premature as the consideration would be in all fairness after the documents under Sections 207 of the Code of Criminal Procedure is served. The petitioner would be at liberty to agitate such points by way of taking out an application in the nature of Section 239/227 of the Code of Criminal Procedure before the jurisdictional trial court.

It has also been pointed out that immediately on filing of the charge sheet warrant of arrest has been issued against the petitioner. Execution of the warrant of arrest be stayed till 10th July, 2023. If the petitioner appears and prays for bail before the Learned Special Court within the said period, the learned Special Court will consider application for bail in accordance with law by taking into account that charge sheet has already been submitted and the case is on the basis of documents wherein *prima facie* it appears there is no prayer for further investigation.

With the aforesaid observations, CRR No. 1851 of 2023 is disposed of.

Pending 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 be supplied to the parties, if applied for, as early as possible.

(Tirthankar Ghosh, J.)