

June 12, 2023
AD -83
Ct. 34
SG

CRR 2061 of 2023

Swarnadeep Biswas
-versus-
The State of West Bengal and another

Mr. Niladri Sekhar Ghosh
Mr. Mukul Biswas
Mr. Pradip Pal

... for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the state

The petitioner is directed to serve a copy of the revisional application upon Ms. Purnima Ghosh, learned advocate who ordinary appears on behalf of the state. Her appointment may be regularised by the concerned authorities.

Learned advocate for the petitioner has challenged for the continuance of the proceedings of Chakdaha PS case No. 558/22 dated 23.08.22.

The said proceedings are pending before the special court under POCSO Act, Kalyani, Nadia. Learned advocate challenged the charge sheet which has been submitted.

It has also been submitted that the documents under Section 207 Cr.P.C. are yet to be supplied by the present petitioner.

Having considered such contentions, I am of the view that the present revisional application is prematured. Consequently, I grant liberty to the petitioner to canvas all the points advanced in the revisional application before the learned trial court. The petitioner will also be entitled to file the usual statutory application under section 239 Cr.P.C. and advance his prayers therein. The learned special court will consider the same in accordance with law.

Needless to state that any observation made by this Court while disposing of the present revisional application be ignored by the learned special court and learned special court will arrive at its independent finding on the materials collected by the investigating agency and relied upon by the prosecution to support its charges.

With the aforesaid observations, CRR 2061 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.

(Tirthankar Ghosh, J.)