

05-06-2023
Subha
Item no.32
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2239 of 2022

Sk Jane Alam
-versus-
The State of West Bengal & Anr.

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

Mr. Sk. Jahadar Alam
Mr. Ramashis Mukherjee
....for the petitioner.

Mr. S. G. Mukherji, Id. PP,
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
....for the State.

The subject matter of this revisional application is a challenge to the chargesheet, which has been submitted in connection with Shyampur Police Station Case No. 282 of 2020 dated 27.09.2020. The chargesheet was submitted under Sections 341/323/354B/506/34 of the Indian Penal Code.

Mr. Mukherji, learned Public Prosecutor appears with Mr. Arijit Ganguly, learned advocate and Mr. S. K. Dan, learned advocate on behalf of the State. A copy of the revisional application be handed over to the learned Public Prosecutor appearing on behalf of the State.

I have considered the submissions of the learned advocate appearing on behalf of the petitioner who submits that he being the owner of a brickfield has been foisted with a number of false criminal cases and the same is in order to grab the brickfield where

he has been efficiently conducting his business. The complainant and their associates have an ulterior objective and malafidely instituted the instant case along with other cases.

Mr. Mukherji, learned Public Prosecutor opposes such contention and submits that the case only ended in a chargesheet implicating the petitioner in respect of the offences alleged and prima facie a case has been made out against them.

I have considered the submissions of both the parties and I find from the records of the revisional application that the documents on which the prosecution intends to rely under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioner. The stage is a premature stage at which the petitioner approached this court for quashing of the proceedings.

Having considered the contention advanced on behalf of the petitioner, I direct that the petitioner would be at liberty to canvas such points at the stage of Section 239 of the Code of Criminal Procedure for consideration of the charges, if so advised, after the documents under Section 207 of the Code of Criminal Procedure have been supplied to them.

The petitioner at that stage would also be at liberty to bring before the learned trial court the other cases which have been registered against the present petitioner. The learned trial court would consider the same and should not be influenced by any observations made by this court while passing orders in the present revisional application.

With the aforesaid observations, the revisional application

being CRR 2239 of 2022 is disposed of. .

Pending applications, if any, are disposed of accordingly.

Petitioner is granted liberty to inform the learned trial court in respect of the present order.

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]