

April 24, 2023
AD – 49
Ct. 34
SG

CRR 1844 of 2021

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

Setabuddin Ahamed
-versus-
The State of West Bengal and another

Mr. A.K. Bhowmick
... for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
... for the State.

The revisional application was preferred challenging the proceedings arising out of Mothabari Police Station Case No.453 of 2020 dated 28.12.2020 corresponding to GR Case No.5962 of 2020.

The petitioner approached this Court at the stage when the report under Section 173 of Cr.P.C. was filed before the Chief Judicial Magistrate, Malda.

The contention advanced in the revisional application relating to interference by this Court based on facts and documents which were to be placed before the investigating agency for testing its veracity as well as genuinity. Further, the documents on which the prosecution has based its facts for continuation of the proceedings pursuant to charge-sheet being filed is not enclosed along with the revisional application. The approach of the petitioner before this Court is at a premature stage.

The petitioner would be at liberty to canvass the points before learned magistrate after receiving the

copies under Section 207 Cr.P.C. and at the stage of Section 239/240 of Cr.P.C.

No interference is called for by this Court.

Accordingly, CRR 1844 of 2021 is dismissed.

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.)