

14-07-2023
Subha
Item no. 36
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2271 of 2023

Eakub Ali Molla and Ors.
-versus-
The State of West Bengal & Anr.

Mr. Sudhir Bhattacharjee
.....for the petitioners.

Mrs. Sonali Das
.....for the State.

Learned advocate for the petitioners is directed to serve a copy of the revisional application upon Mrs. Sonali Das, learned advocate, who ordinarily appears before this court on behalf of the State. Her appearance may be regularized by the concerned Authorities in due course.

Petitioners have challenged the continuance of the chargesheet filed in connection with Canning P. S. Case No. 89 of 2000 dated 09.02.2000. Learned advocate for the petitioners have challenged contentions advanced in the brief facts of the case which the Investigating Officer has narrated in the report under Section 173 of the Code of Criminal Procedure.

So far as the documentary evidence which has been relied upon by the Investigating Officer on a query from this court, the learned advocate for the petitioners submitted that he is yet to receive the copies and documents under Section 207 of the Code of Criminal Procedure.

I have considered the submissions and as the documents under Section 207 of the Code of Criminal Procedure are not still available with the petitioners, I am of the opinion that the approach before this court is premature. The petitioners after receiving the documents under Section 207 Cr.P.C would be entitled to take out an application under Section 239 of the Code of Criminal Procedure before the learned Judicial Magistrate. The learned Magistrate would consider the same in accordance with law and without being influenced by any observations made by this court while disposing of the revisional application.

With the aforesaid observations, the revisional application being CRR 2271 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

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]