

D/L46
18.07.2023
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C.R.R.2277 of 2023

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Ashok Kumar Paul and another
Versus
The State of West Bengal and another

Mr. Soumik Ganguly
Mr. Supriyo Shasmal.
...for the petitioners.

The petitioners have challenged the proceedings before the learned ACJM, Durgapur in respect of Coke Oven Police Station Case No.229 of 2022 dated 10.12.2022 under Sections 406/420/120B of the Indian Penal Code.

Records reflect that on conclusion of investigation, charge-sheet has been submitted before the jurisdictional court. The enclosures to the revisional application reflect the FIR, charge-sheet and other documents. However, the documents under Section 207 of the Code of Criminal Procedure particularly relating to details of the property which is referred to in the charge-sheet including the statements of the witnesses which have been relied are yet to be received and/or not enclosed in the revisional application.

Having considered the issues so involved, I am of the opinion that at this stage, the revisional application is premature. The petitioners would approach the learned trial court by way of taking out an application in the nature of Section 239 of the Code of Criminal Procedure after the documents under Section 207 of the

Code of Criminal Procedure have been handed over. Learned Magistrate would independently arrive at its conclusion while disposing of the application under Section 239 of the Code of Criminal Procedure without being influenced by any observations made by this Court while disposing of the present revisional application. The petitioners in addition would be entitled to canvass all the points in the revisional application in the proposed application to be filed under Section 239 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 2277 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, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)