

03-07-2023
Subha
Item no. 124
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2351 of 2023

Jayanta Das & Ors.
-versus-
The State of West Bengal & Anr.

Mr. Prasenjit Mukherjee
Mr. Tirthankar Mukherjee
Mr. Munshi Ashiq Elahi
Mr. Ayan Shubra Bandopadhyay
....for the petitioners.

Mr. S. G. Mukherji, Id. PP
Mrs. Sujata Das
....for the State.

Petitioners are directed to serve a copy of the revisional application upon Mrs. Sujata Das, learned advocate who ordinarily appears on behalf of the State. Her appointment may be regularized by the concerned Authorities in due course.

Learned advocate appearing for the petitioners challenged the continuance of the chargesheet filed in connection with Alipore P.S. Case No. 125 of 2022 dated 13.11.2022.

Learned advocate has challenged particularly with regard to the case which has been instituted at the instance of one of the petitioners being the complainant in another case. There may be situation where both the cases are required to be tried. So far as the present case is concerned, I have considered the statement recorded under Section 164 of the Code of Criminal Procedure of one Suchitra Biswas.

Having considered her statement and the stage at which the petitioners have approached this court, I am of the view that at this stage prior to the charge being framed by the learned Magistrate it would not be fit and proper for invoking the jurisdiction under Section 482 of the Code of Criminal Procedure in respect of the prayers so advanced.

Petitioners would be at liberty to take out application in the nature of Section 239 of the Code of Criminal Procedure before the learned Magistrate. Learned Magistrate would in the fitness of circumstances consider the same in accordance with law without being influenced by any observations made by this court while disposing of the revisional application.

With the aforesaid observations, the present revisional application being CRR 2351 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

