

16-08-2023
Subha
D/L 66
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2364 of 2023

Rajkumar Bhunia
-versus-
State of West Bengal & Anr.

Mr. Anjan Bhattacharya
Ms. A. Shaw

....for the petitioners.

Mr. S. G. Mukherji, Id. PP
Mr. Imran Ali
Ms. Debjani Sahu

....for the State.

The present revisional application has been preferred challenging Namkhana P. S. Case No. 06 of 2019 dated 20.01.2019 which was registered under Sections 498A/302/201/34 of the Indian Penal Code and subsequently, after investigation chargesheet was submitted only under 498A of the Indian Penal Code.

Earlier, a direction was passed to file a supplementary affidavit incorporating the documents under Section 207 of the Code of Criminal Procedure on which the prosecution has relied. Today, a supplementary affidavit has been filed only incorporating the ordersheet but none of the documents under Section 207 Cr.P.C have been enclosed.

Petitioners are directed to serve a copy of the revisional application upon Mrs. Debjani Sahu, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be

regularized by the concerned Authorities in due course.

Having regard to the stage at which the petitioners approached this court, I am of the opinion that the same is premature, petitioners would be at liberty to canvass the point at the stage of 239 of the Code of Criminal Procedure before the learned Magistrate after receipt of the copies of the documents under Section 207 of the Code of Criminal Procedure.

Needless to state that the learned Magistrate would independently arrive at his opinion without being influenced by any observations made by this court.

With the aforesaid observations, the present criminal revisional application being CRR 2364 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]