

D/L20
14.07.2023
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C.R.R.2550 of 2023

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

Dr. Asim @ Ashim and others
Versus
The State of West Bengal and another

Mr. Amar Nath Sen
Mr. Malay Dhar
Mr. Pranab Kr. Ghosh
Mr. Amit Bikram Mahata.
...for the petitioners.

Mr. Anwar Hossain
Ms. Ratna Ghosh.
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Ms. Ratna Ghosh, learned advocate, who ordinarily appears on behalf of the State. Her appearance maybe regularised by the concerned authorities.

The subject matter of the revisional application relates to a challenge in respect of the charge-sheet which has been submitted in connection with Chandipur Police Station Case No.18 of 2020 dated 20.01.2020 and the charge-sheet has been submitted under Sections 447/323/354/506/34 of the Indian Penal Code.

Although the charge-sheet has been submitted and relied upon as an enclosure, the restricted submission of the learned advocate for the petitioners is that the initiation of the present case was by way of counter-blast after a period of 10 days when the present petitioners initiated their own case. On a scrutiny of the

documents which have been enclosed along with the revisional application, I do not find that the documents under Section 207 of the Code of Criminal Procedure has been served by the prosecution. As such, the foundation of the prosecution case is neither clear to this Court nor the petitioners are in a position to canvass the points for establishing the theory of counter-blast.

The present revisional application is premature. Petitioners would be at liberty to take out an application in the nature of Section 239 of the Code of Criminal Procedure before the learned Magistrate after the documents under Section 207 of the Code of Criminal Procedure are handed over.

Learned Magistrate would dispose of the said application in accordance with law and without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 2550 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.)