

18.07.2023

Item No.16
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2588 of 2023

In the matter of : **Gopal Mahato & Ors.** ... Petitioners.

Mr. Tapas Kumar Majumder,
Mr. Partha Pratim Bhattacharjee ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Pravas Bhattacharya ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Pravas Bhattacharya, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Enclosures to this revisional application reflect that the charge-sheet which has been submitted under Section 173 of the Code of Criminal Procedure before the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas in connection with Nazat Police Station Case No. 319 of 2022 dated 24.11.2022 has only been enclosed and the statement of the witnesses, relying on whom the charge-sheet has been framed, has not been yet supplied to the present petitioners. As such, I am of the view that the present revisional application challenging the continuance of the proceedings is premature.

The petitioners are granted liberty to canvass the points agitated in the present revisional application by taking out an application under Section 239 of the Code of Criminal Procedure before the learned Magistrate after receiving the

copies and documents under Section 207 of the Code of Criminal Procedure.

The learned Magistrate would consider the application under Section 239 of the Code of Criminal Procedure independently without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 2588 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)