

D/L8
19.07.2023
Bpg.

C.R.R.2597 of 2023

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

Shri Raman Kumar Jha
Versus
The State of West Bengal and another

Mr. Apan Saha.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Anwar Hossain
Ms. Debjani Sahu.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

I have checked the enclosures to the revisional application and I find that in this case, charge was framed on 20th January, 2022.

The petitioner is aggrieved by the fact that the nature of the allegations herein are lacking elements of criminal offence and a dispute which was to be adjudicated by a court of civil jurisdiction has been given a cloak of criminal offence. The criminal revisional application has been preferred after the date for evidence has been fixed. Only the FIR, order-sheets and report under Section 173 of the Code of Criminal Procedure has been enclosed along with the revisional application. None of the documents on which the learned trial court based its foundation for coming to a finding regarding the

substance of the charges are enclosed in the revisional application. Accordingly, I am of the opinion that the revisional application is not maintainable. The petitioner would be liberty to take up the points in course of the trial and at the stage of final arguments of the case.

With the aforesaid observations, CRR 2597 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.)