

24.07.2023
Serial no. 11
[G.S.D]

CRR 2638 of 2023

In the matter of : Arindam Roy

... .. Petitioner

Mr. Arindam Roy

... For the Petitioner-in-person

Mr. Faria Hossain
Ms. Baisali Basu

... for the State

The petitioner is directed to serve a copy of the revisional application upon Ms. Baisali Basu, Learned Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authority.

The grievance of the petitioner is that earlier the Police Authority exonerated the petitioner after conclusion of the investigation in their Report under Section 173 of the Cr.P.C. Subsequently, a prayer for further investigation was advanced and thereafter the Police Authority submitted charge-sheet before the jurisdictional Court.

The Learned Advocate submits that the Police Authority exceeded its jurisdiction while submitting such report and implicating the petitioner falsely in this case.

I have perused the enclosures to the revisional application and I do not find that the documents under Section 207 of the Cr.P.C., which has been relied upon to

arrive at a conclusion of filing of charge-sheet has been enclosed and the same is yet to be received by the present petitioner.

Hence, the petitioner is granted liberty to prefer an application under Section 239 of the Cr.P.C. before the Learned Magistrate *in seisin* of the matter. After receipt of the petition under Section 207 of the Cr.P.C., the Learned Magistrate would, in the circumstances, decide the application under Section 207 of the Cr.P.C. on merits without being influenced by any observations made in this Court.

With the above observations, CRR 2638 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

