

CRR 2646 of 2023

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Sabir Ali @ Sabir Sk.**

..... petitioner

**Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Ms. Rajashree Tah**

.... For the petitioner

**Mr. Arijit Ganguly
Mr. Koushik Kundu**

.... For the State

The petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case as the petitioner is a Havildar under Unit-52 of Rashtriya Rifles Battalion under Indian Army and at the relevant time, he was deployed in the Union Territory of Jammu and Kashmir. The aforesaid is a plea of alibi although the same may be of a sterling quality.

The learned advocate appearing for the petitioner submits that the said document was handed over to the investigating authority in course of investigation. However, in spite of the same, chargesheet has been submitted before the jurisdictional Court including the present petitioner.

The petitioner has approached this Court for quashing of the proceedings.

I have considered the contentions of the petitioner in the background of the case and I am of the view that the petitioner would be at liberty to place his case once he receives the documents under Section 207 of Cr.P.C. which is the foundation of the report under Section 173 of the Code of Criminal Procedure.

The learned trial Court while considering the charges will appreciate the factum of the quality of the document relied upon by the petitioner to assess regarding its unimpeachability or impeachable character and thereafter, arrive at a finding as to whether further continuance of the proceedings of the petitioner is warranted in the facts of the case.

At this stage, this Court will not interfere with the prayer so advanced. As the domain of consideration regarding truth or falsity of any document placed is absolutely of the jurisdictional Court in seisin of the matter.

With the aforesaid observations, the revisional application being CRR 2646 of 2023 is disposed of.

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

All concerned parties shall act on the serve 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 requisition formalities.

(Tirthankar Ghosh, J.)