

CRR 2693 of 2023

In Re:- An application under Section 482 of the Cr.P.C.

In the matter of : **Aurangzeb Khan & Ors.**

... petitioner

Mr. Satadru Lahiri
Mr. Sumit Kumar Dey
Mr. S.W.Faruque

...for the petitioner

1. The petitioners are aggrieved by the findings of the proceedings in respect of Jorasanko Police Station case no. 171/2021 dated 8th August 2021.
2. Learned advocate for the petitioners draws attention of this Court to the charge sheet which was submitted under Sections 354/509/506/379/34 of the Indian Penal Code. Learned advocate also submits that there are civil cases between the parties and there has been suppression of the relationship as the complainant and the accused are blood related.
3. So far as the collection of evidence by the Investigating Agency is concerned, while submitting the charge sheet the learned advocate submits that there are hardly any materials for the proceedings to continue and the present case has been initiated for wrecking vengeance upon another relation.
4. Be that as it may, the charge sheet has been submitted. Document under Section 207 of the Cr.P.C. has been handed over to the accused persons. The stage before the Learned Trial Court would be for consideration of charges. At this stage, it would be in the fitness of the circumstances to allow the petitioner to take out an application in the nature of Section 239 of the Cr.P.C., if so advised.

5. The petitioners would be at liberty to produce the documents of civil Court. The Learned Magistrate would consider whether the same is of sterling quality and is unimpeachable in nature and thereby arrive at a finding whether the allegations made in the FIR, charge sheet as well as the document under Section 207 of the Cr.P.C. are such that the same makes out any offence for trial to be continued.
6. With the above observations, the revisional application being CRR 2693 of 2023 is accordingly ***disposed of***.
7. Pending application, if any, is also disposed of.
8. Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)