

D/L104
05.09.2023
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C.R.R.2893 of 2022

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

Tathagata Mukherjee and another
Versus
The State of West Bengal and another

Mr. Anindya Ghosh
Mr. Subhendu Bhattacharjee
Ms. Joyeeta Adhikary.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Partha Pratim Das
Ms. Manasi Roy.
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Ms. Manasi Roy, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

Learned advocate appearing for the petitioners submits that the present petitioners are the brother-in-law and mother-in-law who were staying separately and they have been implicated in the instant case on the allegations of instigating the husband of the opposite party.

Be that as it may, records of the revisional application reflect that the case has already been committed to the court of sessions. The revisional application do not enclose the documents under Section 207 of the Code of Criminal Procedure. Accordingly, I direct that the petitioners would be at liberty to take out an application under Section 227 of the Code of Criminal Procedure, if

the stage has not yet been overcome by the learned trial court. In case such application in the nature of discharge is preferred, the learned trial court would consider the same in accordance with law without being influenced by any observations made by this Court while disposing of the revisional application.

Accordingly, CRR 2893 of 2022 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.)