

August 10, 2023
AD-19
Ct. 34
SG

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRR 2822 of 2023

In Re. An application under Section 401 read
with Section 482 of the Code of
Criminal Procedure, 1973.

In the matter of: Sourav Nandi and others
... petitioners

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee
... for the petitioners.

Mr. Tanmay Kumar Ghosh
Ms. Sujata Das
... for the State.

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

Learned advocate for the petitioners submits that the petitioners have been falsely implicated in connection with the instant case being Berhampore Women Police Station Case No.27/23 dated 03.05.2023 under Sections 498A/506/323/307/34 of IPC.

According to the learned advocate, the lady left the home 2 years ago. In spite of that, the said case has been initiated and that too after assaulting the petitioners and their family members.

I have considered the submission of learned advocate appearing for the petitioners.

There are factual substantial materials, charge-sheet has already been submitted before the jurisdictional court and the documents under Section 207 Cr.P.C. which are the foundation of the charge-sheet are yet to be handed over, I am of the view that the revisional application at this stage is prematured.

Petitioners would be at liberty to canvass all the issues at the stage of consideration of charges before the learned magistrate under Section 239 Cr.P.C.

Learned magistrate would consider such application in accordance with the provisions of law without being influenced by any observation made by this Court.

With the aforesaid observations, CRR 2822 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 be immediately made available to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

