

14.08.2023

Item No.19
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2919 of 2023

In the matter of : **Ashutosh Mukherjee** ... Petitioner.

Ms. Devipriya Mitra,
Ms. Sudakshina Dey ... For the Petitioner.

Ms. Baisali Basu ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Ms. Baisali Basu, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

The present revisional application has been preferred challenging the continuance of Bizpur Police Station Case No. 107 of 2023 dated 16.04.2023 wherein charge-sheet was submitted under Sections 498A/406 of the Indian Penal Code.

The present petitioner happens to be the husband. The petitioner approached this Court immediately after the charge-sheet was submitted before the learned Additional Chief Judicial Magistrate, Barrackpore. The documents under Section 207 of the Code of Criminal Procedure are yet to be received by the present petitioner. Having regard to the stage at which the petitioner has approached this Court, I am of the view that this is a premature application.

The petitioner would be at liberty to canvass his points raised in the present revisional application after receipt of the copies under Section 207 of the Code of Criminal Procedure

by taking out an appropriate application under Section 239 of the Code of Criminal Procedure before the learned trial court. The learned trial court would consider the said application under Section 239 of the Code of Criminal Procedure without being influenced by any observations made by this Court while disposing of the present revisional application.

Needless to state that this Court has not gone into the merits of the case, but considered the stage at which the petitioner approached this Court.

With the aforesaid observations, the revisional application being CRR 2919 of 2023 is disposed of.

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

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)