

14.08.2023

Item No.20
Ct.No.34
dc.

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

C.R.R. 2920 of 2023

In the matter of : **Manisha Das & Anr.** ... Petitioners.

Ms. Jagriti Bhattacharya ... For the Petitioners.

Ms. Amita Gaur ... For the State.

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

The subject-matter of the present revisional application relates to challenge of the proceedings arising out of Sonarpur Police Station Case No. 2582 of 2016 dated 04.12.2016. The petitioners have challenged the order dated 30.05.2019. By the said order dated 30.05.2019, the learned Magistrate was pleased to take cognizance of the offence.

I find that since then some of the accused persons have evaded the court of law and the last of the order also speaks that the case is pending for execution return and appearance and date has been fixed on 29.09.2023. Having regard to the subject-matter of the case wherein charge-sheet has been submitted under Sections 420/498A/494/34 of the Indian Penal Code, I am of the view that this Court will only enter into the merits of the case after assessing the documents under Section 207 of the Code of Criminal Procedure which are the basis and foundation of submission of charge-sheet

before the jurisdictional court. Having regard to the stage at which the petitioners have approached this Court, I am of the opinion that the same is premature.

The petitioners would be at liberty to challenge the continuance of the proceedings by way of taking out an application, if so advised, under Section 239 of the Code of Criminal Procedure after receiving the documents under Section 207 of the Code of Criminal Procedure. The learned Magistrate would consider the same in accordance with law without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 2920 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.)