

14.08.2023
Serial no. 27
[G.S.D]

CRR 2927 of 2023

In the matter of : Md. Abdul Ohab @ Md. Abdul Wahib & Anr.

... .. Petitioners

Mr. K. K. Chakraborty
Mr. Kashinath Bhattacharya
Mr. R. Chatterjee

... For the Petitioners

Mr. Arijit Ganguly
Mr. Koushik Kundu

... For the State

The petitioners are directed to serve a copy of this revisional upon Mr. Arijit Ganguly, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

The petitioners have challenged the continuance of Kashipur P.S. Case No. 193 of 2019 dated 09.06.2019. The order sheets, which have been enclosed, reflect that the petitioners are yet to receive the document under Section 207 of the Code of Criminal procedure. Charge-sheet has been submitted under Section 448/323/325/354/504/34 of the IPC.

The allegation in the FIR clearly reflects regarding the victim having suffered injuries.

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

However, the petitioners would be at liberty to canvass all the points advanced in the present revisional application at the stage of consideration of charges by taking out an application under Section 239 of the Cr.P.C.

The Learned Magistrate would decide the issues in the application under Section 239 of the Cr.P.C. without being influenced by any of the observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 2927 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)