

24.08.2023
Serial no. 3
[G.S.D]

CRR 3064 of 2023

In the matter of : Biswapriya Mukherjee

... .. Petitioner

Mr. Palash Mukherjee
Mr. M. Mukherjee

... For the Petitioner

Mr. Saswata Gopal Mukherjee
Mr. Saryati Datta

... For the State

The petitioner is directed to serve a copy of this revisional application upon Mr. Saryati Datta, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

The petitioner challenges the continuance of New Market P.S. Case No. 109 of 2020 dated 01.04.2020, wherein the Investigating Agency on completion of the investigation has already submitted charge-sheet before the jurisdictional Court.

Learned Advocate submits that a civil suit is pending between the parties and the pending civil case has preceded the criminal proceedings.

I have considered the submissions advanced by the Learned Advocate appearing for the petitioner, who has

drawn the attention of this Court to the application under Section 156(3) of the Cr.P.C.

I find from the records of the case that the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioner.

The only reliance, at this stage, is upon the application under Section 156(3) of the Cr.P.C. and the charge-sheet submitted under Section 173 Code of Criminal Procedure, which are not enough for termination of a proceedings.

However, the petitioner is granted liberty to approach before this Court after receipt of the documents under Section 207 of the Cr.P.C. or to approach the jurisdictional Court under Section 239 of the Code of Criminal Procedure after receipt of the said documents.

With the above observations, CRR 3064 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 at 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.)

