

24-08-2023
Subha
D/L 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3073 of 2023

Onkar Biswas
-versus-
State of West Bengal

Mr. Tanmoy Basu
Mr. Arun Shaw
....for the petitioner.

Mr. Arijit Ganguly
Mr. Kaushik Kundu
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

The subject matter of challenge relates to Baruipur P. S. Case No. 1331 of 2021 dated 02.08.2021 under Sections 326/307/34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

The Investigating Agency on completion of investigation has submitted chargesheet before the jurisdictional court.

Learned advocate for the petitioner submits that the witnesses who have been relied upon by the Investigating Agency to arrive at its conclusion for submitting report under Section 173 Cr.PC are self-explanatory. Even the victim has not assigned the role which has been stated by the witnesses. Further, the present

petitioner resides at a different place when the alleged incident took place.

I have considered the submissions of the learned advocate for the petitioner. The stage at which the petitioner approached this court is prior to the consideration of charges. The documents which have been enclosed along with the application apart from those under Section 207 of the Code of Criminal Procedure are documents which are not of unimpeachable character and are to be assessed by the court regarding the genuinity.

Having regard to the totality of the circumstances, the nature of the offence complained of, the evidence already existing and collected by the Investigating Agency, I am of the opinion that this is not a fit case for interference by invoking the jurisdiction under Section 482 of the Code of Criminal Procedure.

With the aforesaid observations, the present criminal revisional application being CRR 3073 of 2023 is dismissed.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

