

D/L34
28.08.2023
Bpg.

C.R.R.3153 of 2023

In Re: An application under Section 482 read with Section 397/401 of the Code of Criminal Procedure;

Saroj Kayal
Versus
The State of West Bengal and another

Mr. Sujit Gupta
Ms. Amita Gaur.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Ms. Sreyashee Biswas.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Sreyashee Biswas, learned advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

Petitioner has prayed for quashing of Mahisadal Police Station Case No.408 dated 24.11.2022 under Sections 323/341/354/379/420/447/506/34 of the Indian Penal Code.

Learned advocate has drawn the attention of this Court to the allegations made in the complaint as well as the charge-sheet and the documents under Section 207 of the Code of Criminal Procedure as well as the medical report. Learned advocate has submitted that the present case is a counter blast to the case initiated at the instance of the petitioner in respect of separate dispute.

I have considered the materials appearing in the documents under Section 207 of the Code of Criminal Procedure. So

far as the complicity of the present petitioner is concerned, prima facie, at this stage prior to the charge being considered by the learned trial court, I am not inclined to interfere.

Petitioner would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure before the jurisdictional court and the learned trial court would consider the same independently without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 3153 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)