

D/L. 28.
October 17, 2023.
MNS.

WPA No. 21114 of 2023

Esmail Sk @ Echho Sk.
Vs.
The State of West Bengal and others

Ms. Sibangi Chattopadhyay,
Mr. Bony Mondal

... for the petitioner.

Mr. K. J. Yusuf,
Mr. Parikshit Goswami

...for the State.

1. The petitioner has raised several questions in the present writ petition, including seeking a *de novo* trial as well as compliance of Section 207 of the Code of Criminal Procedure.
2. It is sought to be argued that in view of the provisions of Section 317(2) of the Code of Criminal Procedure, the petitioner cannot invoke Section 482, particularly since the question of interim bail is concerned.
3. However, nothing in the said provision, as cited by the petitioner, contains any bar to the jurisdiction of the Court under Section 482 of the Code of Criminal procedure to address the reliefs sought by the petitioner in the writ petition.

4. Hence, the court chooses to exercise self-imposed restriction due to availability of equally efficacious alternative remedy in the form of an application under Section 482 of the Code of Criminal Procedure.
5. Accordingly, WPA No. 21114 of 2023 is disposed of with liberty to the petitioner to approach the appropriate forum under the relevant provision for the relief as sought herein.
6. There will be no order as to costs.
7. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)