

D/L45
01.09.2023
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C.R.R.3294 of 2023

In Re: An application under Section 482 of the Criminal Procedure Code, 1973;

Kartick Chandra Das and others
Versus
The State of West Bengal and another

Mr. Sankar Prasad Dalapati
Mr. Sofik Dewan.
...for the petitioners.

Mr. Tanmay Kumar Ghosh
Ms. Sujata Das.
...for the State.

Mr. Soumajit Chatterjee.
...for the opposite party no.2.

Petitioners are directed to serve a copy of the revisional application upon Ms. Sujata Das, learned advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

Petitioners are also directed to serve a copy of the revisional application upon the opposite party no.2 who has already entered appearance in the present case.

The subject matter of challenge relates to proceedings of Joynagar Police Station Case No.312 dated 3.4.2015 wherein charge-sheet was submitted under Sections 420/406/34 of the Indian Penal Code. The case was initiated in the year 2015. Charge-sheet was submitted in the year 2018. None of the documents under Section 207 of the Code of Criminal Procedure has been enclosed along with the present revisional application although

charge-sheet was submitted almost five years ago.

Learned advocate appearing for the petitioners submits that there are bank statement in their possession which reflects that the whole of the dues have been paid. However, learned advocate is unable to satisfy the Court that the same was brought to the notice of Investigating Officer.

In view of the delayed stage as well as fact that the documents under Section 207 of the Code of Criminal Procedure has not been relied upon, I grant liberty to the petitioners to approach this Court after exhausting their remedies under Section 239 of the Code of Criminal Procedure. If an application to that effect is filed before the learned trial court, the learned trial court would consider the same in accordance with law without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 3294 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.)

