

08.09.2023

Item No.19
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3326 of 2023

In the matter of : **Prasun Majumdar & Anr.** ... Petitioners.

Mr. Sumanta Chakraborty,
Mr. S. Sardar ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Koushik Kundu, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The petitioners have challenged the charge-sheet which has been submitted in connection with Berhampore Police Station Case No. 1555 of 2017 dated 30.12.2017. Learned advocate appearing for the petitioners submits that he is yet to receive copies under Section 207 of the Code of Criminal Procedure.

I have considered the submissions advanced on behalf of the petitioners. The main thrust of contention of the petitioners is that payment was made both by cash and cheque. However, none of the documents do reflect in the report under Section 173 of the Code of Criminal Procedure, although the petitioners are taking out issues on question of facts, but the same are to be assessed on the materials collected by the investigating agency in course of investigation

in support of the charge-sheet. The revisional application, according to my opinion, is premature.

The petitioners are granted liberty to approach this Court after receipt of the documents under Section 207 of the Code of Criminal Procedure or by way of taking out an application in the nature of Section 239 of the Code of Criminal Procedure before the jurisdictional court.

Needless to state that if such an application is taken out, the learned Magistrate would dispose of the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 3326 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)