

CRR 3413 of 2023

**Purnendu Sur & Ors
Vs.
The State of W. B. & Anr.**

**Mr. Partha Sarathi Bhattacharya
Mr. Bhaskar Seth
.....For the Petitioners
Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
.....For the State**

The petitioner is directed to serve a copy of this revisional application upon Mr. Ranabir Roy Chowdhury, learned advocate who ordinarily appears on behalf of the State. His appearance may be regularized by the concerned authorities.

The petitioner is also directed to serve a copy of the revisional application upon the opposite party no. 2 by speed post with acknowledge due and file affidavit of service on the next date fixed for hearing.

Learned advocate for the petitioners has challenged the continuance of proceedings of Uttarpara Police Station Case No. 192 of 2022 dated 06.06.2022 wherein chargesheet has been submitted and the proceedings are pending before the learned Judicial Magistrate, 2nd Court, Serampore, Hooghly..

Learned advocate for the State has submitted that pursuant to the chargesheet being submitted documents have been received and there are cases and countercases between the

parties. It has been additionally contended that the chargesheet which is the outcome of the interested witnesses, have narrated their version before the police authorities.

Be that as it may, the Investigating Agency has come to a conclusion.

The stage at which the petitioner approached this court is prior to the stage of consideration of charge.

Having regard to the totality of the circumstances, I grant liberty to the petitioners to approach the learned trial court with an application under Section 239 of the Code of Criminal Procedure, if so advised.

The trial court will consider the said application in accordance with law without being influenced by any of the observations made by this court while disposing of the present revisional application.

With the above observations, CRR 3413 of 2023 is disposed of.

Pending application (s), if any, is hereby disposed of.

All parties are to act on the server copy of this order, duly downloaded from the official website of this Hon'ble High Court.

(Tirthankar Ghosh, J.)

