

11.10.2023

Item No.9
ss/SD

C.R.R. 3540 of 2023

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

Priyalal Das & Ors.

Vs.

The State of West Bengal & anr.

Mr. Achin Jana
Mr. Suman Chakraborty
Mr. Prosenjit Ghosh
... for the petitioners

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
... for the State

Petitioners are is directed to serve copy of this revisional application upon Mr. Sanjib Kumar Dan, learned Advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Mr. Jana, learned Advocate appearing for the petitioners submits that in the similar matter in CRR 2724 of 2022 an interim order was granted by this Court and the present case which arose out of Purbasthali P.S. Case No. 160 of 2020 dated 17.8.2020 interim order should be granted.

I have perused the charge sheet which has been submitted and I find that in this case the Investigating Agency has relied upon eight witnesses including the evidence of the doctor.

I have considered the evidence of the doctor as well as the injury report. The injury report reflects “deep cut mark about 5 cms long on the front side of temple” and “a deep long cut mark about 6 cms long on the back side of the head” as well as other injuries.

Having regard to the injuries inflicted upon a senior citizen, I am not inclined to interfere with the proceeding at this stage when the matter is fixed for consideration of charges.

Petitioners would be at liberty to take up the issues canvassed in the present revisional application before the learned jurisdictional court by way of taking out an application in the nature of Section 239 of the Cr.P.C., if so advised.

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 3540 of 2023 is disposed of.

Pending connected 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 photostast certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)