

D/L72
10.10.2023
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C.R.R.3656 of 2023

In Re: An application under Section 397 of the Code of Criminal Procedure;

Joyjit Chanda and others
Versus
State of West Bengal and another

Mr. Mani Sankar Chattopdhyay
Ms. Munmun Biswas.
...for the petitioners.

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

Learned advocate for the petitioners are directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Learned advocate is aggrieved by the factum of the manner in which the present case has been initiated and the petitioners have been foisted with such a criminal case without any foundation in law. It has also been brought to the notice of the court that pursuant to the investigation of the said Noapara Police Station Case No.225 of 2022 having commenced, the police authorities on conclusion of investigation submitted charge-sheet. According to the learned advocate, at the bottom of the charge-sheet it has been stated that the offence complained of are under Sections 448/323/420/506/34 of the Indian Penal Code.

However, from the records, I do not find that the documents under Section 207 of the Code of Criminal Procedure have been enclosed along with the revisional application. Having considered such factum, I am of the view that the petitioners would be at liberty to take up the issues canvassed in the present revisional application at the stage of Sections 239/240 of the Code of Criminal Procedure. If such application is preferred, the learned Magistrate would dispose of the same without being influenced by any of the observations made by this Court while dealing with the present revisional application.

With the aforesaid observations, CRR 3656 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.)