

16.10.2023

jb.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**C.R.R. 3787 of 2023**

In Re: Basanti Chatterjee & Anr

vs.

State of West Bengal & Anr.

Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

Mr. Sabyasachi Chatterjee

Mr. Akashdeep Mukherjee

Mr. Pritam Chatterjee

Ms. Soumali Das

- For the Petitioner

Learned advocate appearing for the petitioner has challenged the continuance of Ghola Police Station Case No. 90 of 2022 dated 13.02.2022 under Sections 341/448/323/354/504/506/34 of the Indian Penal Code. Learned advocate has also enclosed documents under Section 201 of the Criminal Procedure Code.

The genesis of the case primarily relates to an outburst of civil proceedings.

However, having considered the above fact and the ingredients of the offences as submitted in the charge-sheet which is partially corroborated by the statement made under Section 207 of the Criminal Procedure Code, at this stage it is very difficult for a Court exercising jurisdiction under Section 482 of the Code of Criminal Procedure to hold that no case has been made out.

Accordingly, I direct that the learned trial Court in seisin of the matter would consider, if the charge has not been framed yet, the application under Section 239 of the Code of Criminal Procedure, if so filed at the instance of the petitioners.

Needless to state that the petitioners shall be at liberty to canvass the same points along with additional points before the learned trial Court and the trial Court would not be swayed away by any observation made by this Court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 3787 of 2023 is disposed of.

Pending application, if any, stands disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Tirthankar Ghosh, J.)