

S/L-290
16-11-2023
KOLE

CRR 3792 of 2023

Pratap Ghosh
-Vs.-
State of West Bengal & Anr.

Mr. Arindam Jana,
Mr. A. Mukherjee,
Mr. P. Chatterjee,

... for the petitioner.

The present revisional application has been preferred challenging the continuance of Cyber Police Station Kolkata case No. 34 of 2013 dated 08.07.2013 under the relevant provisions of the Information and Technology Act. The investigating agency on conclusion of investigation submitted charge sheet on or about 16.04.2015. Mr. Jana, learned Advocate, appearing for the petitioner challenges the applicability of the sections in respect of which the charge sheet has been submitted. Learned Advocate submits that the basic facts of the case do not make out any offence as such the case may not be allowed to continue at this stage.

The nature of the materials collected by the investigating agency as also the factum that the complaint was filed more than ten years ago, although the fact that charge sheet being filed about 8 years ago in respect of the offences. The plea taken by the petitioner is at a belated stage. The thrust of the contentions relating to the factual matrix of the case attracts the provisions of the Information and Technology Act.

The petitioner contends that there are hardly any materials which do connect the present petitioner with the alleged offence,

in spite of the same he has to face the ordeal of trial which has no foundation in the eye of law.

I have considered the submissions by the petitioner and I am of the view that at this belated stage it would be fit and proper to canvas all the points before the learned Trial Court at the stage of Sections 239/240 of the Code of Criminal Procedure. The learned Trial Court while framing the charges would take into account regarding the applicability of the provisions in respect of the materials collected by the investigating agency.

No further interference at this stage is made by this Court.

With the aforesaid observations, CRR No. 3792 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.

(Tirthankar Ghosh, J.)