

29-11-2023
Subha
Item no. 370
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4390 of 2023

Indranil Basu and Anr.
-versus-
The State of West Bengal &Anr.

Mr. Sukanta Chakraborty
Mr. Anindya Halder
....for the petitioners.

Mr. Anwar Hossain
..for the State.

Mr. Chakraborty, learned advocate appearing for the petitioners has challenged the proceedings relating to Kalna P. S. Case No. 295 dated 23-04-2022 (G. R. Case No. 626 of 2022).

Petitioners are directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate who usually appears on behalf of the State. His appearance may be regularized by the concerned Authorities in due course.

Learned advocate submits that the there was a relationship for almost 10 years and the private opposite party no. 2 by way of fraudulent representations initiated the aforesaid case which was registered for investigation under Sections 376/417/506/509 of the Indian Penal Code. On conclusion of investigation, police has submitted a report under Section 173 of the Code of Criminal Procedure before the jurisdictional court.

Mr. Chakabroty submits that even if the allegations in the FIR are accepted in its entirety, the same fails to make an offence,

particularly with regard to Sections 376/417 of the Indian Penal Code.

I have considered the submissions of the learned advocate for the petitioners and I find that the Investigating Agency on conclusion of investigation has submitted chargesheet. The documents under Section 207 Cr.PC are yet to be supplied to the petitioners.

Accordingly, I am of the view that the present revisional application was preferred at a premature stage. The petitioners would be at liberty to canvass the points advanced in the present revisional application after receipt of the documents under Section 207 of the Code of Criminal Procedure by taking out an application under Section 227 Cr.P.C before the jurisdictional court.

The learned trial court would dispose of the application in accordance with law without being influenced by any observations made by this court.

With the aforesaid observations, the revisional application being CRR 4390 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

