

D/L382
29.11.2023
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C.R.R.4403 of 2023

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

Tapas Shaw and others
Versus
State of West Bengal and another

Ms. Jayita Ray.
...for the petitioners.

Mr. Mirza Firoj Ahmed Begg.
...for the State.

Ms. Roma Roy.
...for the opposite party no.2.

Petitioners are directed to serve a copy of the revisional application upon Mr. Mirza Firoj Ahmed Begg, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Learned advocate for the private opposite party no.2 is present. A copy of the revisional application may be served upon the private opposite party no.2.

Learned advocate appearing for the petitioners submits that the opposite party no.2 was earlier married and thereafter on the basis of exaggerated version, a marriage took place. There were disputes and differences and settlements were going on when all of a sudden the present case was instituted at the instance of the opposite party no.2 and the petitioners having unknowingly been implicated in a false case.

Be that as it may, the investigation has concluded in a

charge-sheet being submitted by the investigating agency. The document under Section 207 of the Code of Criminal Procedure which is the foundation on which the prosecution has filed its report under Section 173 Cr.P.C. is yet to be made available by the court to the petitioners. At this stage, I am of the view that the revisional application is premature. Petitioners would be at liberty to canvass the points advanced in the present revisional application after receipt of the document under Section 207 of the Code of Criminal Procedure by taking out an appropriate application under Section 239 of the Code of Criminal Procedure before the jurisdictional court. Needless to state that the jurisdictional court would decide such application in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 4403 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 photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)