

D/L142
28.08.2023
Bpg.

C.R.R.4423 of 2022
With
CRAN 2 of 2023
With
CRAN 3 of 2023

In Re: An application under Article 227 of the Constitution of India read
with Section 482 of the Code of Criminal Procedure, 1973;

Uma Sankar Bhattacharyya
@ Umasankar Bhattacharjee and others
Versus
The State of West Bengal and another

Mr. Dipayan Kundu.
...for the petitioners.

Mr. Tanmay Basu
Mr. Manoj Adak.
...for the opposite party no.2.

Mr. Avishek Sinha.
...for the State.

The present revisional application has been preferred
challenging the proceedings of Chandannagar Police Station Case
No.31 of 2021 dated 06.02.2021.

At the inception learned advocate appearing for the
private opposite party no.2 as well as Mr. Sinha, learned advocate
appearing for the State challenges the maintainability of the
revisional application as the present revisional application was filed
at the stage when charge-sheet was submitted before the
jurisdictional court and the petitioners have restricted themselves

only to the formal part of Section 173 of the Code of Criminal Procedure. None of the documents were either received by the petitioners or relied upon at the time when the revisional application was preferred before this Court.

Mr. Sinha, learned advocate appearing on behalf of the State has produced the case diary.

I have considered the contents therein and on an appreciation of the same, I am of the opinion that at this stage, it would not be fit and proper to address regarding the merits of the issue particularly after perusal of the statement under Section 164 of the Code of Criminal Procedure.

In view of the circumstances, I grant liberty to the petitioners to approach this Court after receipt of the documents under Section 207 of the Code of Criminal Procedure or after addressing their grievance before the learned trial court by taking out an appropriate application in the nature of Section 239 of the Code of Criminal Procedure. In case, such application is taken out, the learned trial court would dispose of the same independently in accordance with without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 4423 of 2022 is disposed of.

Pending applications, if any, are 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.)