

04.12.2023
Item No.302
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 4480 of 2023

In the matter of : **Suman Kumar Barai & Ors.** ... Petitioners.

Mr. Debasish Chattopadhyay,
Mr. Loknath Paul ... For the Petitioners.

Mr. Pravas Bhattacharya ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Pravas Bhattacharya, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioners claims innocence in respect of the charge-sheet submitted in connection with Kalyani Police Station Case No. 295 of 2023 dated 29.05.2023.

I have perused the charge-sheet as well as the FIR. The letter of complaint specifically assigns the role of these four petitioners by the opposite party no.2. There is injury report and doctor has been cited as a witness in the charge-sheet. Having regard to the same, I am of the view that the present revisional application at this stage as it is cannot be terminated as *prima facie* offence has been made out.

The petitioners would be at liberty to take up the issues at the stage of Section 239 of the Code of Criminal Procedure before the learned trial court in seisin of the matter. The learned trial court would dispose of the application in accordance with law without being influenced by any

observations made by this Court in this revisional application.

With the aforesaid observations, the revisional application being CRR 4480 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)