

05.12.2023
Item No.316
Ct.No.34
dc.

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

C.R.R. 4527 of 2023

In the matter of : **Prem Shankar Sharma @ Prem Sharma**
... Petitioner.

Mr. Rameshwar Sinha,
Mr. Sukanta Kumar Das,
Mr. Sekhar Barman ... For the Petitioner.

Ms. Ratna Ghosh ... For the State.

Learned advocate appearing for the petitioner is directed to serve copy of this revisional application upon Ms. Ratna Ghosh, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

Although a part of the documents relied upon by the prosecution has been enclosed along with the revisional application, but the whole list has not been enclosed which do not enable this Court to adjudicate on the issue of innocence of the present petitioner as claimed by his learned advocate. According to the learned advocate for the petitioner the petitioner at the relevant point of time was staying at Delhi and he has no involvement in the alleged conspiracy as claimed by the investigating agency.

Be that as it may, in view of the observations made above relating to insufficiency of the documents, I am of the view that at this stage, it is not possible for this Court to interfere and come to a conclusion in respect of continuation of the proceedings. The petitioner would be at liberty to take out an application under Section 239 of the Code of Criminal

Procedure at the appropriate stage of the proceedings. The learned Magistrate would decide the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 4527 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.)