

05.12.2023
item No.326
Rakib (PA)
ct. no. 34

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

CRR 4537 of 2023

**Malay Das & Anr.
Vs
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973;

Mr. Partha Chakraborty,
Md. Obaid.

.... For the Petitioners.

Ms. Debjani Sahu.

.... For the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Debjani Sahu, learned Advocate who ordinarily appears for the State. Her appointment may be regularized by the concerned authorities.

Learned Advocate appearing for the petitioners submit that earlier a case under Section 107 of the Code of Criminal Procedure was initiated and subsequently on the self-same facts Khejuri PS case no. 370/22 dated 09.10.2022 was registered for investigation under the relevant sections. According to the learned Advocate Khejuri PS case is the second FIR and as such is liable to be quashed.

I have considered such submissions and I do not consider the same to be in consonance with law because the proceeding under Section 107 of Cr.P.C. is pending before the learned

Executive Magistrate while the police station case would after final investigation will be adjudicated by the judicial authorities.

Having considered the issues so canvassed, I am not inclined to interfere at this stage, particularly when charge-sheet has already been submitted before the Jurisdictional Court and the record reflects that the Advocate Commissioner and the Law Clerk were assaulted in such a manner that the case had to be initiated.

Be that as it may the petitioners are yet to receive the documents under Section 207 of Cr.P.C. Accordingly, they are granted liberty to take out the application under Section 239 of Cr.P.C. before the Jurisdictional Court. Learned Jurisdictional Court would decide the application independently without being influenced by any observations made by this Court.

With the aforesaid observations CRR 4537 of 2023 is disposed of.

Pending 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.

(Tirthankar Ghosh, J.)