

18.08.2023
Serial no. 1
[G.S.D]

CRR 4576 of 2022

In the matter of : Kanaklata Ghosh & Ors.

... .. Petitioners

Mr. Monish Sen
Ms. Oisani Mukherjee

... For the Petitioners

Mr. Saswata Gopal Mukherjee
Mr. Arijit Ganguly
Mr. Koushik Kundu

... For the State

The report submitted by the Learned Public Prosecutor be kept with the record.

The SDPO, the concerned Inspector-in-charge and the Investigating Officer, are cautioned that they should be more careful in future.

A lady comes before the Court of law or approaches the Police Station after being heckled at the matrimonial home. There is expectation from the officers of both the Police Agency or the Investigating Agency and the Criminal Justice System, that they must have some care before submitting documents before a Court of law. The manner in which a report under Section 173 of the Cr.P.C. has been drafted is with utter negligence. The said report under Section 173 of the Cr.P.C. be ignored by the Learned Jurisdictional Magistrate.

Let a fresh/supplementary Charge-sheet be filed before the jurisdictional Court.

The Learned Magistrate will compare with the documents which have been collected in course of the investigation and thereafter decide the issue relating to cognizance after applying his judicial mind.

The petitioners before this Court were implicated as accused in this case. None of the documents under Section 207 of the Cr.P.C. have been supplied to them and the only relevant papers which have been placed are FIR, Charge-sheet and other related documents, particularly, the orders which have been passed by the Learned Jurisdictional Court.

Having regard to the stage, at which the petitioners approach this Court, I am of the opinion that the same is premature.

However, the petitioners would be at liberty to either approach the High Court after receiving the document under Section 207 of the Cr.P.C. or would apply under Section 227/228 of the Cr.P.C. before the jurisdictional Court and, thereafter, approach this Court.

Needless to state that this Court has not gone into the merits of the contentions advanced at this stage, as, whole of the documents were not available with the petitioners.

The Learned Magistrate or the Learned Trial Court, *in seisin*, of the matter would independently exercise their jurisdiction without being influenced by any of the observations made by this Court while disposing of the present revisional application.

With the aforesaid directions, CRR 4576 of 2022 is disposed of.

Pending application, if any, is also disposed of.

The Dy. S.P. (D&T), Hooghly Rural District, Court Inspector, Asansol and DD of ADPC and O.C. women P.S. Bankura, are present in Court and their further appearances before this Court are dispensed with.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)