

12.12.2023
Item No.304
Ct.No.34
dc.

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

C.R.R. 4665 of 2023

In the matter of : **Babar Mondal & Anr.** ... Petitioners.

Ms. Ashima Mandla,
Ms. Anwasha Halder,
Mr. Surya Pratap Singh ... For the Petitioners.

Ms. Rita Datta ... For the State.

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

Learned advocate appearing for the petitioners submits that a rent agreement is available with the wife of the petitioner no.1 which the investigating agency in course of investigation did not accept. The petitioners preferred an application under Section 91 of the Code of Criminal Procedure before the learned special court and the learned special court also refused to accept such prayer.

Records reflect that the present case is at the stage of consideration of charges. Accordingly, I direct that the petitioners will be entitled to take out an application under Section 227 of the Code of Criminal Procedure enclosing the photostat copy of the rent agreement craving leave to produce the original as and when required by the learned trial court.

The learned trial court will at the time of consideration of charges, take into account the rental agreement and if he

intends to check the veracity of the same, the original may be handed over to the court at the time of hearing of the application. The learned special court will arrive at its independent findings without being influenced by any observations made by this Court, but however the veracity of the document must be taken into account before arriving at such conclusion.

With the aforesaid observations, the revisional application being CRR 4665 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.)