

D/L4
20.12.2023
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C.R.R.4834 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure;

Sourav Mondal
Versus
The State of West Bengal and another

Mr. Ranajoy Chatterjee
Mr. Tamal Singha Roy
Mr. Subha Pathak.
...for the petitioner.

Ms. Manisha Sharma.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Manisha Sharma, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

The petitioner has challenged the proceedings of Bally Police Station Case No.17 of 2022 dated 13.01.2022 wherein the investigating agency on conclusion of investigation has submitted charge-sheet under Sections 386 of the Indian Penal Code.

Learned advocate appearing for the petitioner submits that the present case is a counter case to the case so initiated against the complainant and/or his associates.

The foundation of a counter case cannot be a ground for quashing. The petitioner is yet to receive the copies under Section 207 of the Code of Criminal Procedure. Accordingly, I direct that in

case after receiving the documents relied upon by the prosecution under Section 207 of the Code of Criminal Procedure, an application under Section 239 of the Code of Criminal Procedure is filed before the jurisdictional court, the learned trial court would consider the same in accordance with law without being influenced by any observations made by this Court. Needless to state that this Court has not gone into the merits of the case and as such, the learned trial court would independently consider the issue.

With the aforesaid observations, CRR 4834 of 2023 is disposed of.

Pending connected 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.

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

(Tirthankar Ghosh, J.)