

02.02.2024

Item No.55
Ct.No.34
dc.

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

C.R.R. 264 of 2024

In the matter of : **Subhashis Maikap & Ors.** ... Petitioners.

Mr. Anirban Dutta,
Mr. Sourav Mondal ... For the Petitioners.

Petitioners are aggrieved by the continuance of the proceedings of Kotwali Police Station Case No. 134 of 2023 dated 12.02.2023 wherein the investigating agency, on conclusion of investigation, has already submitted charge-sheet.

Learned advocate appearing for the petitioners submits that there are minor disputes and differences between the flat owners concerned and to that effect, the families in respect of rest of the flat owners have been implicated by the present petitioners. Learned advocate submits that there are variation in the statements of the witnesses and in spite of the same, the investigating agency submitted charge-sheet implicating the petitioners which includes the ladies.

Having regard to the fact that the investigating agency has concluded the investigation and there are statements under Sections 161 and 164 of the Code of Criminal Procedure, I am of the view that a detail scrutiny regarding the materials available be initially done by the learned Magistrate/trial court. To that effect, if the petitioners take out an application under Section 239 of the Code of Criminal Procedure, the learned Magistrate would dispose of the same in accordance with law without being influenced by any

observations made by this Court independently by applying his mind.

With the aforesaid observations, the revisional application being CRR 264 of 2024 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.)