

4.
05-08-2024
(ct. no.550)
debajyoti

CRR 134 of 2017

In re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

- A n d -

In the matter of : Soma Maity & Anr.

.... Petitioners.

Mr. Arnab Das,
Ms. Akansha Yadav,
Ms. Syeda Romana Sultan

... For the Opposite Party No.2.

None appears on behalf of the petitioners even on second call. Learned advocate for the opposite party no.2 is present.

The learned counsel for the opposite party no.2 has submitted that for a long time, the petitioners are not appearing before this Court to proceed with the instant revisional application. The State is also not represented. Notice was served upon the office of the learned Public Prosecutor at High Court at Calcutta.

I have gone through the materials on record. As per submission of the learned counsel for the opposite party no.2, in the relevant G.R. Case No.1063 of 2015 arising out of Bowbazar Police Station Case No.356 of 2015 dated 31-08-2015 under Sections 420/409/506/34/120B of the Indian Penal Code, charge sheet has been submitted under the selfsame sections against the petitioners. The learned counsel has further submitted that charge has already been framed and the case has been fixed for recording of evidence of the witnesses.

From the revisional application, it is found that the petitioners have taken a plea that the learned Judge while taking cognizance of the case, failed to apply his judicial mind in regard to the *prima facie* evidence adduced against the petitioners.

As it appears from the materials on record that consideration of charge has already been done by the learned trial Court and evidence is going to be recorded by the learned trial Court in the said proceeding, I do not find any sufficient material to allow the prayer of the applicants.

The revisional application being CRR 134 of 2017 is, thus, dismissed. There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)