

09-02-2024
Subha
Item no. 21
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 445 of 2024

Madhusudan Barui
-versus-
The State of West Bengal and anr.

Mr. Gourav Kumar Nath
Mr. Subhajyoti Chanda
....for the petitioner.

Petitioners have challenged the continuance of Basirhat P. S. Case No. 332 of 2023 wherein the Investigating Agency has on conclusion of investigation submitted chargesheet under Sections 420/406 IPC.

Learned advocate for the petitioner submits that no documents have been relied upon by the prosecution and only 7 witnesses have been referred. Learned advocate also submits that no notice has also been issued under Section 41A Cr.PC to the petitioner.

Be that as it may, I find from the records that although chargesheet has been submitted but the petitioner is yet to receive the documents under Section 207 of the code of Criminal Procedure which is the foundation of the report under Section 173 of the Cr.PC.

Having regard to the same, I am of the view that the revisional application is premature. Petitioner is granted liberty to canvass all the issues at the stage of Section 239 of the Code of Criminal Procedure before the trial court after receipt of the

documents under Section 207 of the Cr.PC. Learned trial court would consider the same in accordance with law without being influenced by any observations made by this court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 445 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]