

13-02-2024
Subha
Item no.15
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 470 of 2024

Sk. Akbar Ali and ors.
-versus-
The State of West Bengal and anr.

Mr. Pratip Mukherjee
Mr. Aditya Chakraborty
....for the petitioners.

Learned advocate for the petitioners has challenged the continuance of Balagarh Police Station Case NO. 198 of 2019 dated 03-11-2019. The Investigating Agency on conclusion of investigation has submitted chargesheet before the jurisdictional court under Sections 448/323/354/506/34 IPC. I do not find that the statements under Section 161 of the Code of Criminal Procedure and/or other documents relied upon by the prosecution being enclosed along with the revisional application. However, I find in the list of witnesses that the doctor has been cited as a witness.

Having regard to the factum that there are charges both under Section 323 as well as Section 354B of the Indian Penal Code, I am of the view that without the prosecution documents it would not be fit and proper to interfere. However considering the stage of the case and the fact that the case was initiated in the year 2019, I direct the petitioners to take out an application under Section 239 of the Code of Criminal Procedure before the jurisdictional court. Learned trial court would consider the same in

accordance with law and dispose of the same independently 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 470 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]