

D/L70
27.02.2024
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C.R.R.774 of 2024

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

Birendranath Hembram
Versus
The State of West Bengal and another

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
Mr. Dibakar Sardar.

...for the petitioner.

Petitioner has challenged the continuance of the proceeding in connection with Noapara Police Station Case No.24 of 2023 wherein the investigating agency on conclusion of investigation has submitted their charge-sheet.

I find from the enclosures to the revisional application only the FIR and the charge-sheet has been enclosed and the documents under Section 207 of the Code of Criminal Procedure have not been enclosed.

Having considered the list of witnesses, I find that a doctor is already made a witness in the case which speaks that the possibility of injury being involved. The applicability of the sections would be considered by the learned court in seisin of the matter at the time of consideration of charge, as neither any injury report nor any other documents are available.

Considering the same, I direct the petitioner to take out an appropriate application under Section 239 of the Code of Criminal Procedure after receipt of the documents under Section

207 of the Code of Criminal Procedure before the learned jurisdictional court. The learned jurisdictional court would independently decide the issue regarding the prayer for discharge or the applicability of the sections concerned without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 774 of 2024 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.)