

02.01.2024
Serial no. 51
[G.S.D]

CRR 2486 of 2023
With
CRAN 1 of 2023

In the matter of : Pranab Karan & Anr.

... .. Petitioners

Mr. Debaajyoti Deb
Ms. Somdyuti Parekh

... PETITIONERS

Mr. Saibal Bapuli
Mr. Bibaswan Bhattacharya

... for the State

Affidavit-of-service so filed be kept with the record.

The revisional application along with the connected application, being CRAN 1 of 2023, is taken up for final disposal.

Mr. Deb, Id. advocate for the petitioners, submits that the investigating officer of the case in his report under section 173 of the Cr.P.C. was also unable to satisfy himself regarding the alleged offence under section 307 of the IPC. In spite of that charge sheet was submitted under sections 341/323/307/509/506/34 of the IPC.

It has been argued on behalf of the petitioners that there are no injuries and the only injury by which the prosecution intends to substantiate his case is simple in nature.

On the other hand, Mr. Bhattacharjee, Id. advocate for the State, has produced the case diary and draws the

attention of the court to the statement of the witness including that of the victim child.

I have considered the statement of the victim child and, at this stage, prior to charges being considered, I am not inclined to interfere with the prayers so advanced.

However, the petitioners would be at liberty to canvass all the points addressed in the present revisional application by taking out an appropriate application in the nature of the 227 of the cr.p.c. before the appropriate forum. The Id. trial court would independently consider the same without being influenced by any of the observations made by this court while dealing with the revisional application.

With the aforesaid observations, CRR 2486 of 2023 along with CRAN 1 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)