

13-03-2024
Subha
Item no. 76
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3410 of 2023
CRAN 1 of 2023

Sk. Haider Ali and Anr.
-versus-
State of West Bengal and Anr.

Mr. Imtiaz Ahmed
Mr. Ghazala Firdaus
Mr. M. Islam
Mr. Sk. Saidullah
Mr. M. Mondal
Md. Arsalan

.....for the petitioners.

Petitioners have challenged the continuance of Mogra P. S. Case No. 255 of 2022 dated 12-08-2022. I have considered the chargesheet which has been filed on conclusion of investigation in connection with the instant case.

I find from the records that the chargesheet was filed on 25th September, 2022 under Sections 323/341/354B/34 IPC. The documents under Section 207 of the Code of Criminal Procedure at the stage when the petitioner approached this court were not available.

Accordingly, I direct that the petitioners would be at liberty to take out an application under Section 239 CrPC before the jurisdictional court after receipt of the documents under Section 207 of the Code of Criminal Procedure. The learned trial court would decide the application under Section 239 of the Code of Criminal Procedure in accordance with law independently without

being influenced by any observations made by this court while disposing of the revisional application.

With the aforesaid observations, the revisional application being CRR 3410 of 2023 is disposed of.

Accordingly, the connected application being CRAN 1 of 2023 is 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]