

D/L38  
28.02.2024  
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C.R.R.4139 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Gopinath Dutta @ Gopi  
Versus  
The State of West Bengal and another

Mr. Suman Chakraborty.  
...for the petitioner.

Petitioner is aggrieved by the order dated 05.10.2023 passed by the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly. The main grievance of the petitioner is that in connection with Goghat Police Station Case No.288 dated 12.09.2023, the investigating officer prayed for addition of Section 376 of the Indian Penal Code without any medical report. The stage at which the petitioner approached this Court was at the stage of the investigation. At the stage of investigation, it is only the duty of the officer to inform the court whether the said Section would be applicable or not would be considered by the court at the relevant stage of the case.

In view of the prayer and purpose for which the present revisional application has been preferred, I am of the view that the same is not maintainable and, as such, no interference is called for.

Petitioner is granted liberty to approach this Court after the report under Section 173 of Cr.P.C. is filed before the jurisdictional court and the documents under Section 207 of the Cr.P.C. is received by him.

With the aforesaid observations, CRR 4139 of 2023 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.)**