

D/L38
02.01.2024
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C.R.R.4945 of 2023

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Tulsi Kumar Pradhan
Versus
The State of West Bengal and another

Mr. Bibek Chatterjee
Mr. Tanmoy Chakraborty
Mr. Iswar Chandra Maity
Ms. Paramita Saha
Ms. Susmita Saha.
...for the petitioner.

Mr. Mirza Firoj Ahmed Begg.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Begg, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Petitioner has challenged the continuance of the proceedings of Belegkata Police Station Case No.141 of 2022 dated 12.11.2022 wherein charge-sheet was submitted under Sections 354/506 of the Indian Penal Code.

Learned advocate for the petitioner submits that although there are no materials available against the petitioner and attending circumstances show that the petitioner has been falsely implicated in connection with the instant case, police authorities proceeded to file charge-sheet, thereby jeopardizing the professional career of the petitioner.

I have checked the documents enclosed along with the revisional application and I find that although charge-sheet has been submitted but the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioner.

In view of the fact that the police authorities have relied upon eight witnesses in support of his case, I am of the opinion that without assessment of the statement of the witnesses, there is hardly any possibility of a proper assessment and/or adjudication in respect of the prayers so advanced. I am of the opinion that the revisional application has been preferred at a premature stage. The petitioner would be at liberty to canvass all the points at the appropriate stage of the proceedings before the learned trial court after receipt of the documents under Section 207 of the Code of Criminal Procedure. Needless to state that the learned trial court would independently consider the prayer of the petitioner without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 4945 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.)

