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04.01.2024
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C.R.R.4988 of 2023

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

Krishan Manchanda
Versus
The State of West Bengal and another

Mr. Gunjan Kumar Singh
Mr. Vijay Verma.
...for the petitioner.

Ms. Manisha Sharma.
...for the State.

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

The subject matter of challenge in the present revisional application relates to Maidan Police Station Case No.58 of 2021 dated 26.07.2021 under Sections 279/338 of the Indian Penal Code wherein charge-sheet was submitted by the investigating agency under the same Sections.

Learned advocate appearing for the petitioner is aggrieved by the fact that the investigation of the case was done in one sided manner as no CCTV footage was collected, neither the bike which was another subject matter of the incident was seized. Attention of the Court was drawn to the order passed in MAC Case No. 499 of 2021 which was dismissed for default. Learned advocate further submits that the case has been filed mala fide for financial

gains.

I have considered the points which have been canvassed. None of which are based on materials but on perception and has no foundation in law. The documents under Section 207 of the Code of Criminal Procedure have not been enclosed. In fact, from the records of the revisional application, I find these are reckless approach of the learned advocate on record who has stated charge-sheet to have been filed under Sections 376/417/506/323/34 of the Indian Penal Code (although the original copy of the charge-sheet relates to offence under Sections 279/338 of the Indian Penal Code).

Having regard to the manner in which the revisional application has been filed, I am of the view that the same is premature. The petitioner would be at liberty to take up the issues at the appropriate stage of the trial.

With the aforesaid observations, CRR 4988 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.)

