

28.09.2020

Item no. 1

Ct. No.19

CHC

C.R.R. No.1321 of 2020
C.R.A.N. 1 of 2020

In Re:- An application under Section 482 of the Code of Criminal Procedure in connection with G.R. Case No.1199 of 2017, arising out of Mahisadal Police Station Case No.263 of 2017 dated 14.08.2017 under Sections 419/465/468/471/120B of the Indian Penal Code and 14 and 14C Foreigners Act.

And

In the matter of:-
Biswajit Mitra

... Petitioner

Mr. Masud Karim

... for the petitioner

Mr. Rana Mukherjee, Ld. A.P.P.

...for the State

This is an application for quashing of a proceeding being G.R. Case No.1199 of 2017 arising out of Mahisadal Police Station Case No.163 of 2017 dated 14.08.2017 under Sections 419/465/468/471/120B of the Indian Penal Code and 14 and 14C of the Foreigners Act, now pending before the Court of Learned Additional Chief Judicial Magistrate 2, Haldia, Purba Medinipore.

It is submitted by learned advocate for the petitioner that the petitioner is an employee of Health Department now posted at Tamluk and he is about to retire on 31st December, 2020.

It is candidly submitted that because of the pendency of this criminal case, the petitioner may be deprived of having all pensionary benefits. The trial court, according to the petitioner

has not been properly functioning because of the pandemic now surfaced all over the country.

Upon perusal of the materials in the case record, it appears that charge-sheet in this case has already been submitted on 31st July, 2018 under Sections 419/465/468/471/120B of the Indian Penal Code and 14/14C of the Foreigners Act. Charge could not be framed thereafter for the intervention of COVID 19 all over the State.

Mr. Rana Mukherjee, learned advocate representing the State/opposite party submits that petitioner is not remediless at this stage if the point now raised before the Court is directed to be raised before the trial court at the time of consideration of the charge.

In the absence of materials collected in the Case Dairy, the Court is not in a position to ascertain what are material available against the petitioner now seeking quashing.

There is strong force in the submission raised by the learned advocate representing the State that the revisional application may be disposed of giving a suitable direction requiring the trial court to consider all such points now raises before this Court in terms of the revisional application and dispose of the same within shortest possible opportunity after normal resumption of the court functioning.

Since the petitioner is about to retire on 31st December, 2020, expeditious disposal of the pending case is thus necessary.

Petitioner is directed to raise all such points now raises, in terms of the points now raises in the instant revisional application before the trial court at the time of consideration of the charge and if any such point is raised the same shall be duly addressed to by the trial court giving sufficient opportunity of hearing to either of the parties to this case and trial court shall put his sincerest effort to take up the charge hearing of this case within three months after resumption of the normal court functioning of the trial court.

With this direction/observation, the revisional application along with connected application stands disposed of.

(Subhasis Dasgupta, J.)

