

Court No. 19

29.09.2020

(DL 8)

(S. Banerjee)

CRR 1358 of 2020

CRAN 1 of 2020

Jamir Sk. @ Jamir Hossain Sk.
Versus
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee, Ld. Advocate
Mr. Apalak Basu, Ld. Advocate
Mr. Nazir Ahmed, Ld. Advocate

... for the petitioner

Mr. Saibal Bapuli, Ld. APP
Ms. Sayanti Santra, Ld. Advocate

... for the State

The learned advocate for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This revisional application is for further investigation of a pending GR Case, being no. 1376 of 2020, now pending before the Additional Chief Judicial Magistrate, Baruipur.

Mr. Chatterjee, learned advocate for the petitioner, submits that he is dissatisfied with the manner of investigation and several persons, who ought to have been booked, have been made scot-free by the investigating agency. It is submitted by Mr. Chatterjee that the defacto complainant is dissatisfied with the investigation in this murder case. No notice even could be served upon the defacto complainant even after submission of the charge-sheet providing him a chance to say something in connection with the investigation. It is also submitted that in view of the pandemic surfacing over the entire country, the normal functioning of the court has been largely disturbed and as a result thereof the petitioner is not left with any other alternative

to raise his grievance in accordance with the provisions of the law as available under the Code of Criminal Procedure.

Mr. Santra, the learned advocate representing the State-opposite party, submits that the Case Diary of this case is not available at this moment. It is brought to the notice of this court that charge-sheet in this case has been submitted on 27th May, 2020 under Section 302/201/120B/34 of the Indian Penal Code against six accused persons as named therein. The point thus raised by the learned advocate for the petitioner that the petitioner could not raise his grievance before the trial court in dissatisfaction of the investigation after adhering to the provisions of the law for the pandemic having surfaced over the state needs to be duly addressed to. The ordinary functioning of the court has been disturbed for this pandemic and there is no doubt in it.

Having heard the submission of the learned advocate for both the parties, the court is of the view that the revisional application may be disposed of by directing the petitioner to take appropriate step seeking further investigation before the trial court after adhering to the provision of the law as expeditiously as possible soon after the normal functioning of the court begins.

The court makes it clear that if any application seeking further investigation is filed before the trial court, the same shall be addressed to, and disposed of in accordance with the provisions of law providing sufficient opportunity of hearing to either of the parties to this case.

With the observations, as above, the revisional application, along with the connected application, is disposed of.

(Subhasis Dasgupta, J.)