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CRR 1447 of 2020

**With
CRAN 1 of 2020**

**Sk. Ohudulla
Vs.
The State of West Bengal**

Mr. Mrityunjoy Chatterjee
Mr. Sk. Toslim Ali
...for the petitioner

Mr. Subrato Roy
...fore the State

In CRR 1447 of 2020 this Court passed an order on 5th November, 2020 directing the petitioner to surrender before the trial Court within a fortnight from the date of the order.

The said criminal revision arose out of G.R. Case No.1202 of 2011. By filing the instant application it is submitted by the learned advocate for the petitioner that the G.R. Case No.1202 of 2011 has not been as yet and it is still lying in the file of the learned Additional Chief Judicial Magistrate, Uluberia. It is also submitted on behalf of the petitioner that as per the order passed in CRR 1447 of 2020 the petitioner went to surrender in the Court of the learned Additional Chief Judicial Magistrate, Uluberia on 18th November, 2020 but the

learned Additional Chief Judicial Magistrate, Uluberia refused to take him to custody and to pass necessary order on the ground that the Court of Additional Chief Judicial Magistrate, Uluberia is not the trial Court as charge sheet has been filed under Sections 307/333 of the Indian Penal Code as well as other cognate penal provisions which are exclusively triable by the learned Court of Sessions.

From the registration number of the case it is clear that aforesaid G.R. Case is pending since 2011. More than nine years have already been elapsed but the case could not be committed due to some reason which is not disclosed in the instant petition.

After this Court directed the petitioner to surrender before the Court below, the learned Additional Chief Judicial Magistrate, Uluberia cannot refuse the accused from surrendering before him on the ground that his Court is not the Court of trial.

In view of such circumstances, it is specifically directed that if G.R. Case No.1202 of 2011 is not committed to the Court of Sessions, the learned Additional Chief Judicial Magistrate, Uluberia will accept surrender of the petitioner before him and pass necessary order in accordance with law. If the case is committed in the meantime it will be jurisdictional Sessions Judge before whom the petitioner will

surrender. This order be made part of the order dated 5th November, 2020.

The petitioner is directed to surrender before the concerned Court within a fortnight from this date. In the meantime the warrant of arrest be stayed for the aforesaid period.

CRAN 1 of 2020 is disposed of.

This order be made part of the instant criminal revisional application.

The parties are directed to act on the basis of the server copy of this order available in the official website.

(Bibek Chaudhuri, J.)