

16.12.2021
12
SB
Ct. No. 35

CRR 17 of 2019
with
CRAN 1 of 2021

Abu Sayad Miah @ Abu Syad Mian @ Abu Sayed
Vs.
The Union of India

Mr. Milon Mukherjee ... For the petitioner.

Mr. Y. J. Dastoor, Ld. A.S.G. ... For the Union Of India

Learned Additional Solicitor General appears for Union of India /
opposite party.

Mr. Milon Mukherjee, learned advocate appears for the petitioner.

The matter is fixed up today for hearing.

Learned advocate for the petitioner submits that this revisional application has been preferred by the petitioner being aggrieved with order dated 05.10.2018 passed by the learned Judge, 3rd Special Court (NDPS Act), Burdwan in Special Case No. 58 of 2016 (NDPS) arising out of NCB Crime No. 45/NCB/KOL/2016 under Section 8(c)/15/29 of the NDPS Act 1985. It is further submitted that by the impugned order charge was framed against both the accused persons. By filing this revisional application the petitioner prayed for his discharged. At present two out of four witnesses have already been examined as such the prayer in the revisional application has been infructuous. Learned advocate prayed for dismissal of the revisional application, grating leave to the petitioner to keep the matter open for consideration by the jurisdictional Court at the time of argument.

Consider the submissions made by Learned Advocates. Since charge has already been framed and trial is in progress, the accused persons will either be acquitted or convicted. The question of discharge would not arise.

CRR 17 of 2019 is dismissed on being not pressed by the petitioners. Liberty is granted to the petitioner to ventilate all such legal issues before the learned Trial Court which may be disposed of in accordance with law.

Urgent certified copies if applied for may be supplied to the parties maintaining all formalities.

(Ananda Kumar Mukherjee, J.)