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September
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C.R.R. No.90 of 2013
(Via Video Conference)

In Re: An application under Section 401 and 482 of the Code of Criminal Procedure.

Mahadev Bairagi
Versus
State of West Bengal & Ors.

Mr. Arijit Ganguly,
Mr. Saryati Dutta.
...for the State.

The revisional application was preferred challenging the order dated 15.12.2012 passed by the learned Judicial Magistrate, Kakdwip, South 24 Parganas in connection with Dhola Hat Police Station Case No.288 of 2009 dated 01.11.2009.

The grievance of the petitioner was regarding the medical report not being seized by the investigating officer of the case.

As none appears for the petitioner or for the State, Mr. Saryati Dutta, learned advocate, who ordinarily appears on behalf of the State, is directed to appear and represent on behalf of the State. His appointment may be regularised by the concerned authorities.

I find that after the order was passed by a co-ordinate Bench on 14th January, 2013, none represented the State since then and there was no interim order restraining the proceeding before the learned court below.

Having regard to the issue on which the revisional application was preferred before this Court, I am of the view that it would be the complete discretion of the learned Magistrate to

exercise his power under Section 311 of the Code of Criminal Procedure if the medical report is considered by the learned trial court to be an important evidence for arriving at a just decision

In view of the observations made above, CRR 90 of 2013 is disposed of.

Pending 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.

(Tirthankar Ghosh, J.)