

04.08.2021

Item no.14

Ct. No.34

CHC

C.R.R. No.1111 of 2012
IA NO: CRAN/2/2012 (Old No: CRAN/3767/2012)
(not in file)
CRAN/3/2016 (Old No: CRAN/4501/2016)

(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Sk. Nasiruddin @ Badsha
... petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Bidyut Roy,
Ms. Manisha Sharma
...for the State

The present revisional application was preferred against the order dated 16.01.2012, passed by the learned Additional Sessions Judge, 1st Court, Tamluk, in connection with S.T. Case no.3 (1) of 2012 arising out of S.C. Case no.258 (11) of 2009, wherein, the learned sessions court being the trial court was pleased to frame charges under Sections 147, 325 and 506 of the Indian Penal Code.

The trial relating to the present revisional application was transferred to the court of sessions in view of the case and counter case which were pending between the parties.

The grievance of the present petitioner is relating to charge being framed under Section 325 of the Indian Penal Code. Although according to the petitioner there were materials of framing charges either under Section 307 I.P.C. or under Section 326 of the Indian Penal Code.

Records reflect that although the revisional application was admitted in the year 2012 and there were initial orders restraining the proceedings but the same was not extended after 31st of March, 2013. No intimation has been submitted before this Court regarding the present stage of the proceedings before the learned Sessions Judge.

In view of the aforesaid, I am of the opinion that it would be open to the learned Sessions Judge to consider the issue of addition of section or alteration of the sections at the appropriate stage of the case.

With the aforesaid observations, C.R.R.1111 of 2012 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)