

CRR 1595 of 2021

In re : An application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Madan Gopal Das**

..... petitioner

**Mr. Anupam Kumar Bhattacharya
Mr. Anirban Dey
Mr. Dilip Kumar Mondal
Mr. Mrityunjay Saha**

....For the petitioner

In this revision, the petitioner has challenged an order dated April 27, 2021 passed by the Additional Sessions Judge, 1st Court, Sealdah, whereby the learned Judge affirmed an order dated January 12, 2021, passed by the learned Additional Chief Judicial Magistrate, Sealdah in G.R. Case No. 2946 of 2020 under Sections 341/323/354/114 of the Indian Penal Code, 1860.

By the said order dated January 12, 2021, learned Magistrate allowed the prayer of the investigating agency to make necessary corrections with regard to the name of the petitioner in the F.I.R.

It appears that initially the F.I.R. was lodged against “Madan Mondal”. Subsequently, the F.I.R. was corrected by implicating the petitioner (Madan Gopal Das) as accused in the case.

It appears that the petitioner, on an earlier occasion approached this Hon’ble Court for quashing of the present proceedings by filing an application being CRR 1719 of 2020. The said application for quashing was disposed of on February 9,

2020 by a co-ordinate bench of this Court, *inter alia*, observing as follows:-

“From the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure and the statements of the local inhabitants recorded under Section 161 of the Code of Criminal Procedure, the prosecution has been able to satisfy prima facie that the present petitioner was an accused in this case and not any Madan Mondal who was initially named in the F.I.R.

After considering the materials available in this case diary and after hearing the learned Counsels for the parties, I find no reason to interfere with the investigation of the case.

However, it shall be open to the petitioner to agitate the question of mistaken identity before the learned trial court in the case the trial commences against the present petitioner in the present case.”

After the said order dated February 9, 2021, nothing remains to be decided in this petition since the petitioner will be at liberty to agitate the points at the time of trial, if the charge sheet is ultimately filed against him.

The revisional application being **CRR 1595 of 2021** stands dismissed.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)