

In the matter of:- Golam Hossain & Ors.

...petitioners

Mr. Partha Chakraborty,
Ms. Sharmistha China.

...for the petitioners.

Mr. Saswata Gopal Mukherjee Ld. PP,
Mr. Abhra Mukherjee,
Ms. Manisha Sharma.

....for the State.

Mr. Partha Chakraborty being assisted by Ms. Sharmistha China, representing the petitioners submits at the threshold of this case that the petitioners abandon/surrender their prayer with regard to the proposed quashment upon knowing that the case is going through the stage of re-investigation, which was allowed on the prayer of the de facto complainant.

That being the position, all points relatable to the prayer for quashing are kept open for decision by the Court below at the appropriate stage of hearing.

Mr. Abhra Mukherjee being assisted by Ms. Manisha Sharma representing the State submits that in this case, the investigation has already been concluded submitting charge sheet against as many as 31 accused persons under Section 341, 325, 326, 302 and 34 of the Indian Penal Code. A present status report of the pending case against which prayer for quashment has been advanced, is furnished by the State.

Let the present status report be kept on record.

From the status report, it appears that prayer for further investigation was made by the de facto complainant, and the same was allowed by the learned Court below, and the case is going through the stage of further investigation. The outcome of the investigation has not yet

reached to the Court below. Since the case is going through the stage of further investigation, and particularly when the prayer has abandoned his prayer for quashment upon knowing the stage of further investigation at this stage, the Court is of the view that there lies nothing at this stage to be adjudicated upon.

It is proposed by Mr. Mukherjee, representing the State that the petitioner is not remediless at this stage, because at the time of framing of charge, all points, sought to be addressed before this Court, may be agitated before the learned Court below, which may be set at rest in accordance with the provisions of the law.

The revisional application is thus disposed of giving liberty to agitate the matter as regards the points, now sought to be addressed before the learned Court below at the time of making consideration of the charge.

With this direction/observation, the instant revisional application stands disposed of .

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities

(Subhasis Dasgupta, J.)