

24.06.2021

Item no.24

Ct. No.34

CHC

C.R.R. No.2943 of 2017
IA NO: CRAN/1/2017 (Old No. CRAN/3873/2017)

(Through video Conference)

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Jayanto Ghosh @ Jayanta Ghosh & anr.

... petitioners

Mr. Avik Ghatak,

Mr. Soham De Dhara

...for the petitioners

Mr. Saswata Gopal Mukherji, Ld. P.P.

Md. Anwar Hossain,

Ms. Sreyashee Biswas

...for the State

Mr. Ghatak, learned advocate appearing for the petitioners submits that the revisional application was preferred at the stage of consideration of charge and there were issues relating to the authority of the police officer investigating the case as well as commission of offence under Section 5 of the Immoral Traffic (Prevention) Act.

It has been submitted that presently all the witnesses have been examined and only the witness left to be examined is the Investigating Officer of the case.

Having regard to the stage of the case, I am of the view that any decision on the issue so canvassed in the revisional

application would seriously prejudice both the parties. Accordingly, I direct that the petitioners as well as the State would be at liberty to harp the point canvassed in the revisional application at the stage of final argument before the learned trial court.

With the aforesaid observations, C.R.R.2943 of 2017 is disposed of.

Interim order, if any, is hereby vacated. Pending applications are all disposed of.

A supplementary affidavit has been filed on behalf of the petitioner wherein it has been contended that one of the accused namely, Sajal Sarkar has expired during the pendency of the revisional application.

Learned trial court would seek a report from the Investigating Officer and make a finding to that effect.

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

(Tirthankar Ghosh, J.)