

24.08.2021
Item no.29
Ct. No.34
CHC

C.R.R. No.3109 of 2019
IA No: CRAN//2021

(Physical Hearing)

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

AND

In the matter of:-

Biswadeep Chakraborty
... petitioner

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Sourav Chatterjee,
Mr. Sumanta Ganguly,
Mr. S. R. Kakrania,
Mr. Sanjib Seni,
Mr. Aviroop Mitra
...for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick
...for the State

Mr. Shambhunath Ray,
Ms. Tirtha Dey,
Ms. Amrita Tewari
...for the opposite party no.2

List of dates along with the enclosures so filed by the opposite party no.2 be kept with the record.

The revisional application was preferred challenging the proceedings arising out of Bidhannagar (North) Police Station Case No.46 of 2018 dated 02.04.2018.

Records reflect that on conclusion of investigation, police authorities submitted charge-sheet dated 27th of April, 2018.

It has been brought to the notice of this Court that C.R.R.1424 of 2019 was preferred by the petitioner being the son of the de facto complainant, wherein a coordinate Bench by an order dated 29.07.2019 was pleased to direct expeditious disposal of the case preferably within a period of three months from the date of communication of a copy of this order.

Mr. Ganguly, learned Senior Advocate appearing for the accused/petitioner submits that although there was a direction for the trial to be concluded within a period of three months but at the stage when this Court was approached, the stage before the learned Magistrate was for consideration of the charges.

Be that as it may, I find from the said order that the present petitioner participated in the revisional proceedings.

Having regard to the same that the case has not progressed pursuant to the order passed by the coordinate Bench in C.R.R.1424 of 2019, at least to the next stage, I am of the view that there are no change of circumstances for interference at this stage.

The petitioner would be at liberty to agitate the points canvassed in the revisional application at the stage of Section 239 of the Code of Criminal Procedure.

Learned Magistrate will consider the submission of the accused/petitioner and thereafter, come to an independent finding without being swayed by any observation passed in this revisional application by this Court.

Accordingly, C.R.R.3109 of 2019 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Learned Magistrate is directed to overcome the stage of consideration of charge by 31st of December, 2021.

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

(Tirthankar Ghosh, J.)