

03.08.2021
Item no.36
Ct. No.34
CHC

C.R.R. No.3422 of 2018

(Via Video Conference)

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

AND

In the matter of:-

Sahajan Biswas
@ Uchhman Biswas
... petitioner

Mr. Asraf Mondol,
Md. Bani Israil,
Mr. Kanchan Gupta
...for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan
...for the State

A plea of juvenility was rejected by the learned Additional Sessions Judge, Fast Track Court-IV, Krishnagar, Nadia, in connection with Sessions Case No.125(7)/2007. The petitioner, thereafter, approached this Court.

This Court earlier directed the concerned Police Station to submit a report. Report has been submitted before this Court by one Sub Inspector of Police attached to Thanarpara Police Station, Nadia.

The said report reflects that on the date of occurrence the petitioner was juvenile. The said report is based on certain

documents relied upon by the police personnel who furnished this opinion before this Court.

In view of such report submitted, I direct the learned trial court to consider the documents relied upon to arrive at such finding.

Learned trial court, if so required, will permit the petitioner also to produce documents. If, the learned court thereafter comes to a finding regarding the age of the present petitioner, then in that case, the learned court should in the circumstances segregate the trial of the present petitioner and send the petitioner to the appropriate Tribunal/Board, where the trial of the petitioner is to be conducted in accordance with law.

Let this report along with the enclosed documents which have been placed before this Court be sent in a sealed packet to the court of learned Additional Sessions Judge, Fast Track Court-IV, Krishnagar, Nadia, through the office of the learned Registrar (Judicial Service), High Court, Calcutta, within a period of seven days from date.

Learned Registrar (Judicial Service), High Court, Calcutta, will take all steps so that the finding of the learned trial court is completed within a period of sixty days from the date of communication of this order.

With the aforesaid observations C.R.R.3422 of 2018 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.)