

CRR 3356 of 2016

In Re: - An application under Section 482 of the Code of Criminal Procedure;

And

In Re: - Krishna Kanu

Petitioner

Mr. Sumanta Chakraborty

Ms. A. Halder

.....For the Petitioner

Mr. Imran Ali

Ms. Debjani Sahu

.....For the State

The report submitted by the learned advocate for the State is kept with the record.

There was an inadvertent mistake committed by the Investigating Officer in not incorporating the name of the injured/victim. The same has been brought to the notice of the jurisdictional court and the learned trial court by its order dated 23.09.2021 has accepted the same.

Mr. Chakraborty, learned advocate appearing for the petitioner is aggrieved by the fact that the Investigating Agency in spite of overwhelming materials of grievous injury instead of incorporating Section 326 of the Indian Penal Code has incorporated Section 325 of the Indian Penal Code thereby diluting the injuries which was inflicted upon the victim. Whether Section 325 or Section 326 of the Indian Penal Code is attracted will be adjudicated by the learned trial court at the stage of consideration of charge on the basis of the medical documents which are already on record. The learned trial court

is still equipped with the provision of Section 311 of the Code of Criminal Procedure to bring such record for the ends of justice.

Having regard to the same, I am of the view that the case is of the year 2013, which is unnecessarily being dragged. Consequentially no further order need be passed at this stage. The learned trial court is directed to proceed with the trial of the case and take the same to its logical conclusion within a reasonable period of time after affording proper opportunity to the parties.

With the aforesaid observation CRR 3356 of 2016 is disposed of.

Pending applications, if any, consequentially stand disposed of.

Interim order, if any, is hereby vacated.

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

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(Tirthankar Ghosh, J.)