

Sr.14
18-08-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

**CRR 3709 of 2018
IA No : CRAN 2/2019(Old No. CRAN 4456/2019)**

In the matter of : Sanatan Halder & Ors.petitioners.

In Re : An application under Sections 401 and 482 of the Code
of Criminal Procedure.

Mr. Laxmi Nath Bhattacharya

.....for the petitioners.

Mr. Abhra Mukherjee
Ms. Manisha Sharma

...for the State.

The present petitioners approached this court for
quashing of the proceedings relating to Raidighi P. S. Case No.
278 of 2018 dated 04.08.2018 under Sections
341/188/506/34 of the Indian Penal Code pending before the
learned Judicial Magistrate, 1st court, Diamond Harbour,
South 24 Parganas.

Earlier, this court requested the State to produce the
case diary. Accordingly, Mr. Mukherjee, learned advocate for
the State has produced the case diary.

On perusal of the documents so proposed to be relied upon by the prosecution under Section 207 of the Code of Criminal Procedure in course of the trial, this court is of the view that so far as the provisions relating to submission of charge-sheet for alleged offences under Sections 341/188 of the Indian Penal Code is concerned, the same is questionable and the prosecution materials are wanting to establish such allegations. However, there are allegations under Sections 506/34 of the Indian Penal Code.

Be that as it may, it has been submitted that post submission of charge-sheet the learned court has fixed date for S. R and appearance of the accused persons.

In view of the stage of the case at which the petitioners approached this court, I am of the opinion that the petitioners would be at liberty to canvass the points which have been agitated before this court in this revisional application to be dealt with at the stage of consideration of charge and the learned Magistrate would take into account the observations passed herein while deciding such applications.

Accordingly, the present revisional application being CRR 3709 of 2018 is disposed of.

All pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

The petitioners are directed to be personally present on the date fixed before the learned Judicial Magistrate, 1st court, Diamond Harbour.

State is directed to serve the copies under Section 207 of the Code of Criminal Procedure on such date. Within a month thereafter, the petitioners would be at liberty to take out an application in the nature of Section 239 of the Code of Criminal Procedure, if so advised. The learned Magistrate would decide the same by 31st August, 2022.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)