

06.01.2021
Sl. No.55

Court No.42
BM

CRR 1654 of 2020

Sushena Sharma
Vs.
The State of West Bengal & Anr.

Mr. Krishnendu Bhattacharyya
Mr. Priyankar Ganguly ... for the petitioner

Mr. S. G. Mukerji, learned PP
Mr. Arijit Ganguly ... for the State

The petitioner has challenged the order dated 14.02.2020 passed by the learned District & Sessions Judge, North 24 Parganas in Criminal Revision Case No.171 of 2018 whereby the learned revisional court was pleased to affirm the order dated 18.08.2018 passed by the learned Judicial Magistrate, 1st Court, Barasat in connection with G.R Case No.1582 of 2016 arising out of New Town Police Station Case No.284 of 2016 under Sections 341/186/353 of the Indian Penal Code.

Learned advocate for the petitioner submits that the complaint which has been treated to be the First Information Report of the case as well as the statement of the witnesses and the injury report which have been relied upon by the investigating agency to prove the charges are inherently improbable for further continuation of the proceeding.

Additionally, the learned advocate further submits that the conduct of the police authorities are questionable and the facts which have been presented before the court are so abrupt that no

Court can arrive at a conclusion for the purpose of framing of charge thereby calling the present petitioner to face trial.

Mr. Arijit Ganguly, learned advocate appearing for the State produces the case diary as well as the memorandum of evidence.

I find that there are statements, which allegedly implicate the present petitioner at this stage. It is not possible to make a roving enquiry regarding the veracity both for the purpose of truthfulness or falsity of the statement so made before the investigating officer. As such, without going into further details, I am of the opinion that the criminal case should proceed to its next stage of framing of charge.

The petitioner obviously will be at liberty to take up the point of probability of the incident happening by way of cross examination as well as at the conclusion of the trial at the stage of final argument of the case. Needless to state that any opinion expressed by this Court is for the limited purpose of deciding the maintainability of the revisional application and should not be taken into consideration at the time of trial or at the stage of final argument of the case without adjudicating upon the documents and oral evidence so relied upon by the prosecution and the defence.

Mr. Bhattacharyya learned advocate submits that the next date is fixed on 12th February, 2021 for framing of charge. The learned court is directed to frame the charge on the next date so fixed or within a week thereafter.

The learned court would thereafter regularly fixed dates on each and every month so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment should be granted to either of the parties

and if any witness is absent, the learned trial court would exhaust harsher process of law.

With the aforesaid observation CRR 1654 of 2020 is disposed of.

(Tirthankar Ghosh, J.)