

05.01.2021

Item No.23

Ct.No.42

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1671 of 2020

+

CRAN 1 of 2020

Gayaram Purkait

versus

The State of West Bengal & Anr.

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 filed in connection with G.R. Case No. 3196 of 2019 arising out of Usthi P.S. Case No. 412 of 2019 dated 25.11.2019 under Sections 341, 325, 308, 379, 506 and 34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Diamond Harbour.

Mr. Aniket Mitra,
Mr. Swarvanu Saha,
Mr. Lakshminath Bhattacharya ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly ... For the State.

Mr. Sudarshan Ghosh ... For the Opposite Party No.2.

Learned advocates for the parties are present in Court.

The present revisional application has been preferred by the petitioner challenging the proceedings being G.R. Case No. 3196 of 2019 arising out of Usthi P.S. Case No. 412 of 2019 dated 25.11.2019 under Sections 341, 325, 308, 379, 506 and 34 of the Indian Penal Code.

An application was taken out by the petitioner and the opposite party no.2 (being the complainant) wherein it has been narrated that a compromise has been arrived at between the parties.

Mr. Arijit Ganguly, learned advocate for the State was directed to produce the case diary and today when the matter has been taken up, Mr. Ghosh, learned advocate appearing for the opposite party no.2 points out before this Court regarding the injury reports.

I have perused the case diary along with the medical papers. Having regard to the nature of the injury and the sections for which the petitioner has been arraigned in the case, I am of the opinion that the learned court below will be an appropriate authority to assess the role of the petitioner and/or other accused persons and whether the sections so mentioned in the charge-sheet have any applicability in the background of the injuries as well as the materials appearing in the case diary.

Mr. Aniket Mitra, learned advocate appearing for the petitioner submits that the next date is fixed on 26.03.2021.

In view of the date being fixed, I direct the learned court below to consider the charges and if, after consideration, the court is of the opinion that the charge should be framed, in that case, the learned court below would fix a schedule within ten days thereafter and examine the witnesses in the background of the subsequent developments so expressed by the parties before the court.

With the aforesaid observations, CRR 1671 of 2020 along with CRAN 1 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)