

15.03.2021
Item no.15
Ct. No.2
CHC

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Physical Hearing)**

C.R.R. No.29 of 2020

In Re:- An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Devendra Kumar Saxena
.....petitioner

Dr. A. K. Gautam,
Mr. Tapes Chandra Bhattacharya
.....for the petitioner

The revisional application is against the framing of charge, dated 15th July, 2013 done by the learned Court of Special Judge (C.B.I.) Court, Siliguri, Darjeeling, West Bengal.

Admittedly, the charge against the petitioner was framed long back in the year 2013 for the offence under Sections 13(1)(e)/13(2) of the Prevention of Corruption Act, 1988.

Learned advocate for the petitioner submits that there has been infractions of the provisions of the law, as no consent under Section 6 of the State Government has been obtained in this case while launching the instant prosecution as well as registration of the instant case against the petitioner.

The case is at the stage of trial, when 9 (nine) witnesses have already been examined, out of 150 (one hundred fifty) witnesses, cited in the charge-sheet. It cannot be ignored that case is at the trial stage, and the charge was framed way back in 2013. When the court is in the midst of trial, it would be not appropriate to look into the irregularities of the charge, if there be any, particularly by reason of the point, so raised by the petitioner.

However, liberty is given to the learned advocate for the petitioner to agitate the point before the learned court below at the time of trial, and if such point is raised, the same shall be decided by the learned court below at the appropriate stage of trial giving sufficient opportunity of hearing to either of the parties to this case.

With this direction/observation, the instant revisional application stands disposed of.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)