

D/L10
29.11.2022
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C.R.R.132 of 2021

In Re: An application under Article 227 of the Constitution of India;

Gobardhan Ghosh and others
Versus
State of West Bengal and another

Ms. Baisali Basu.
...for the State.

The revisional application was preferred in the year 2021.

None appears on behalf of the State. Accordingly, Ms. Baisali Basu, learned advocate, who ordinarily appears on behalf of the State, is directed to represent the State. Her appointment may be regularised by the concerned authorities.

I have perused the subject matter of challenge which relates to the order dated 14.02.2020 passed by the learned Sessions Judge, Paschim Medinipur in Criminal Revision No.313 of 2017 wherein the learned sessions court was pleased to affirm the order passed by the learned Judicial Magistrate, 2nd Court, Sadar, Paschim Medinipur.

The grievance of the petitioners is that in a case under Sections 287/304A/201/34 of the Indian Penal Code the learned Judicial Magistrate committed the case for graver offences under Sections 302/201/34 of the Indian Penal Code. The present petitioners challenged the said order before the learned sessions court by invoking its jurisdiction under Sections 397/399 of the Criminal Procedure Code.

The subject matter under challenge before the revisional court relates to the order which was passed on 15th May, 2017. More than 5½ years have passed since the said order was passed and the learned Magistrate was of the opinion that the case should be committed to the court of sessions.

Having regard to the period of time which has elapsed in the meantime and there was no persuasion before this Court for more than 22 months, I am of the opinion that at this stage any interference would prejudice either of the parties. Further, I do not find that there is substantial question of law involved, which would in the fitness of the circumstances compel this Court to invoke its inherent jurisdiction in the instant case. As such, no interference is called for.

Accordingly, CRR 132 of 2021 is dismissed.

Pending application, if any, is consequently dismissed.

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

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

(Tirthankar Ghosh, J.)