

26.04. 2022
item No.29
n.b.
ct. no. 34

CRR 147 of 2014

Smt. Nirmala Samanta
Vs.
The State of West Bengal & Ors.

Ms. Baisali Basu
....for the State

The present revisional application has been preferred by the complainant being aggrieved by the order dated 17.04.2013 and 21.05.2013 passed by the Learned Additional Sessions Judge, Fast Track, 1st Court, Paschim Medinipur in connection with Trial Case No. XXVIII/November/2012.

Records reflect that the Learned Sessions Court on perusal of the materials arrived at a finding that *prima facie* charges were made out under Sections 448/323/354/34 of the Indian Penal Code. The Learned Court thereafter was of the opinion that as no evidence surfaced from the materials collected by the Investigating Agency relating to sessions triable offence, the records should be transmitted to the Court of the Learned Chief Judicial Magistrate, Paschim Medinipur.

Having regard to the observation made by the Learned Sessions Court and the reasons so assigned, I am of the opinion that if in course of the trial the learned Magistrate trying the case is of the opinion that the subsequent evidence

by way of deposition reflect any sessions triable offence, the Learned Magistrate then would take a decision whether to invoke the provisions of Section 322 of the Code of Criminal Procedure. No interference is called for at this stage.

With the aforesaid observations CRR 147 of 2014 is disposed of.

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

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)