

12.12.2022
S/L No.21
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C.R.R.467 of 2021
With
IA No. CRAN 1 of 2021
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CRAN 2 of 2021 [Not Found]
+
CRAN 3 of 2021 [Not Found]
Saroj Chakraborty
-Vs.-
State of West Bengal & Anr.

Mr. Dinendra Nath Chatterjee
.....For the Petitioner
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
.....For the State

The revisional application was preferred challenging the proceedings arising out of Coke Oven Police Station Case No.103 dated 02.07.2018 under Section 326A of the Indian Penal Code which was pending before the Learned Judicial Magistrate, 3rd Court, Durgapur.

As none appears on behalf of the State, Mr. Sanjib Kumar Dan, learned advocate who ordinarily appears on behalf of the State is directed to represent the case. His appearance may be regularized by the concerned authorities.

Petitioner approached this Court at a stage when the Learned Judicial Magistrate was pleased to arrive at a finding at the stage of consideration of charges that offences under Section 326A and 326B of the Indian Penal Code has been made out. Learned Court thereafter committed the case to the Court of Sessions fixing the date i.e. 14.01.2020

for appearance before the Learned District and Sessions Judge, 1st Court, Durgapur.

Having regard to the reasons so assigned by the Learned Judicial Magistrate while passing his order at the stage of consideration of charges, I am of the opinion that after 35 months there is no scope for interfering with the proceedings as the Learned Sessions Court subsequently is presumed to have proceeded with the merits of the case.

I find in the records of the case that a joint compromise application has been filed.

Having regard to the observations made by the Learned Judicial Magistrate by its order dated 14.01.2020, I am of the opinion that the same cannot be entertained at this stage.

Accordingly, IA No. CRAN 1 of 2021 is dismissed.

The revisional application being, C.R.R.467 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)