

18-04-2022
Subha
Item no.31
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 938 of 2022

In the matter of : **Atanu Mondal**petitioner.

In Re : An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Ayan Basu
Mr. Samrat Das
Mr. Sunit Routh

....for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

....for the State.

Affidavit of service so filed be kept with the record.

Mr. Ayan Basu, learned advocate appearing on behalf of the petitioner refers to the order dated 13.09.2021, wherein a petition was filed on behalf of the accused regarding some CCTV footage. The order reflects that the learned court directed for appearance of the Investigating Officer on the next date fixed with necessary documents.

It has further been submitted that on 5th January, 2022, when the learned court considered the put up petition along with the enclosed application, there has been no reference to the petition dated 13th September, 2021, but on an emphasis on the typographical error in the prayer of the enclosed petition of 5th January, 2022 the court was under the impression that the petitioner intended to withdraw the prayers so advanced.

Learned advocate submits that the petitioner should not be penalized for a typographical error wherein instead of the word “or”

the word “of” has been typed.

In view of the prayers so advanced by the learned advocate for the petitioner, I am of the opinion that a opportunity must be granted to the petitioner to get his application dated 13th September, 2021 heard out on merits.

Mr. Banerjee, learned advocate appears on behalf of the State.

If any report in connection with the petition dated 13th September, 2021 has already been submitted before the learned special court, the learned special court while disposing of the petition dated 13th September, 2021 would also take into account the said report filed by the Investigating Officer. The petitioner should be allowed to inspect the report before the hearing is conducted before the learned special court. Subsequently, a copy of the same is applied, the same may be given to the petitioner after depositing the requisite costs of the certified copy section.

Needless to state that the learned special court would independently consider the petition and this court has not gone into the merits so far as the petition dated 13th September, 2021 is concerned.

With the aforesaid observations, the present revisional application being CRR 938 of 2022 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

