

20-12-2022
Subha
Item no.23
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 707 of 2021

Buddhadev Nath & Ors.
-versus-
The State of West Bengal & Anr.

Re : An application under Section 482 of the Cr.P.C.

Mr. Soumik Ganguly
Mr. Abdur Rakib
.....for the petitioners.

Mr. S. G. Mukherji, ld. PP,
Mr. Imran Ali
Ms. Debjani Sahu
.....for the State.

Report submitted by Deputy Commissioner of Police, 4th Bn.
Kolkata Armed Police through the learned advocate appearing for the
State be kept with the record.

Chargesheet has been submitted against the accused persons
under Sections 147/148/149/341/447/186/353/332 of the Indian
Penal Code and under Section 3 of the Prevention of Damage to Public
Property Act, 1984.

The proceedings are before the learned Additional Chief
Judicial Magistrate, Bidhannagar. The petitioners are police personnel
who during the period of pandemic had to face severe consequences
while they were at their barrack.

Disputes and differences arose between the police personnel
and their superiors and the alleged incident is an outcome of the
same. It has been pointed out that petitioner no. 1 has already retired

from service and his pension benefits are being withheld. Others have received different treatment in their departmental proceedings.

In view of the services of most of the petitioners being required by the Police Department who worked with the limited infrastructure, I pass the following directions upon the learned Additional chief Judicial Magistrate, Bidhannagar :-

1. If warrant of arrest is pending against any of these petitioners, the same be stayed till 2nd January, 2023. Within the said period, if the petitioners appear they would be allowed to continue on the same bail and bond or furnish their bond in case they are not on bail.
2. The charge should be framed in this case by 5th January, 2023.
3. In case, the petitioners are unable to appear because of compulsion of their duties, in that case the learned trial court will allow the petitioner/petitioners to be represented by their learned advocates until and unless their physical identification is necessary.
4. The evidence of the prosecution would commence from 6th January, 2023.
5. Regular dates would be fixed on each and every working day till 28th February, 2023. The prosecution should complete their evidence by 28th February, 2023.
6. If any witness, after being provided two chances, do not appear before the trial court, the trial court will close its evidence and proceed to the next stage until and unless

the court finds its necessary for ends of justice to recall such witnesses in the interest of justice.

7. The learned trial court in the 1st week of March, 2023, will complete the examination of all the accused persons under Section 313 of the Code of Criminal Procedure and deliver the judgement by 15th March, 2023.

With the aforesaid observations, the present revisional application being CRR 707 of 2021 is disposed of.

Pending applications, if any, are consequently 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]