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August 17,
2022
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C.R.R. 629 of 2010

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Pranabesh Kar and another
Versus
The State of West Bengal and another

Mr. Arindam Jana,
Mr. A. Sengupta.
...for the petitioners.

Mr. Arijit Ganguly,
Mr. Sandip Chakraborty.
...for the State.

Mr. Arindam Jana, learned advocate appearing for the petitioners challenges the impugned order passed by the learned revisional court wherein the order of the learned Magistrate was affirmed in Criminal Motion No.124 of 2008. According to the learned advocate for the petitioner, learned sessions court allowed the amendment of the date which is not permissible in law. According to the learned advocate, if such amendment is allowed, the same changes the structure of the prosecution case and would definitely prejudice the rights of the present petitioners.

Mr. Sandip Chakraborty, learned advocate appearing for the State submits that the charge-sheet has been submitted against the accused/petitioners and there was a prayer for discharge against one of the accused persons. Case diary so produced incorporates the report under Section 173 of the Code of Criminal Procedure which reflects that the prosecution has prayed for consideration of the charges under Sections 337/379/427/509 of the Indian Penal Code.

Having regard to the fact that the revisional application is pending for about 12 years and as submitted that there was a prayer for further investigation by the investigating agency, I direct the learned trial court to proceed with the materials which are already on record. The learned trial court would fix date for consideration of charges after supplying relevant documents under Section 207 of the Code of Criminal Procedure to the present petitioners. It would also be discretion of the learned trial court to see in course of trial that if any further name surfaces in evidence, the learned trial court would be at liberty to invoke the provisions of Section 319 of the Code of Criminal Procedure. No interference is called for at this stage. The petitioners would be at liberty to agitate the issue of amendment of date at the appropriate stage of the proceedings.

Accordingly, CRR 629 of 2010 is disposed of.

Pending application, if any, is 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.)