

28-11-2022
Subha
Item no 16
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1234 of 2021

Sri Avijit Paul & Ors.
-versus-
State of West Bengal & Anr.

Mr. Krishna Dev Das
Mr. Samarendra Datta
Mr. Arun Naskar
Ms. Sandhya Das Adhikari
.....for the petitioners

Mr. Imran Ali
Ms. Debjani Sahu
....for the State.

Mr. Samarendra Nath Mukherjee
Mr. Niloy Gupta
...for the opposite party no. 2.

Learned advocate appearing for the petitioners challenges the continuance of the Khardah P. S. Case No. 651 of 2020 dated 04.12.2020 which is pending before the learned Additional Chief Judicial Magistrate, Barrackpore. The said case was registered under Sections 498A/406 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that they have been falsely implicated in the instant case and the incident complained of are embellished.

Mr. Ali, learned advocate appearing for the State opposes such prayer and submits that there was a delay in submitting the chargesheet before the court, although the same was prepared within a reasonable period of time.

Earlier also, a report was submitted before this court showing the negligence on the part of the Investigating Officer and the steps

taken by the superior officer.

Learned advocate for the opposite party no. 2 is present.

It has been submitted that the case has purposely been delayed to frustrate the proceedings before the learned trial court.

Having perused the records of the present case, I find that although chargesheet has been submitted against the petitioners, but the documents and papers, which the prosecution proposes to rely upon are yet to be served upon the petitioners.

The learned trial court is directed to serve the copies on the next date so fixed for hearing before the learned trial court.

No further delay should be allowed to be committed at the instance of either of the parties. On receipt of the documents on which the prosecution intends to rely upon to prove its case, the petitioners would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure if so advised. The learned trial court would consider and dispose of the same within a period of one month from the date of preferring of such application.

No interference is called for at this stage.

With the aforesaid observations, the present revisional application being CRR 1234 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]

