

28.09.2022

Item No.45
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1287 of 2021

**Haripada Samanta & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Anindya Bose,
Mr. Pabitra Bhaumik,
Mr. Diptendu Mandal,
Mr. Nikhil Gupta,
Mr. Mridul Biswas ... For the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De ... For the State.

The petitioners are directed to serve a copy of this revisional application upon Mr. Swapan Banerjee, learned advocate who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

I have considered the issues raised by the learned advocate appearing for the petitioners. However, I find that the subject-matter of this revisional application relates to an application for discharge being rejected by the learned Judicial Magistrate, 3rd Court, Tamluk, Purba Medinipur by its order dated 01.02.2021. More than 18 months have passed in the meantime and it has been submitted that during the pendency of this revisional application, charge has already been framed. Having regard to the change of circumstances, I grant liberty to the petitioners to canvass all

the points which have been agitated in the present revisional application during the course of cross-examination, examination under Section 313 of the Code of Criminal Procedure, defence evidence and final arguments of the case.

Needless to state that this Court having regard to the change of circumstances, has not addressed the issues on merits and the learned trial court would independently consider the issues.

With the aforesaid observations, the revisional application being CRR 1287 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)