

28.04.2022

Sl. No. 46

Srimanta

Ct.No. 42

CRR/1697/2007

In Re : An application under Sections **397/401** read with Section **482** of the Code of Criminal Procedure, 1973.

In the matter of : **Ayes Sk. @ Ayesk Sk. & Ors.**
...petitioners.

Mr. Somdeb Ash, Adv.

...for the petitioner.

Mr. Madhusudan Sur, Adv.,

Mr. Dipankar Paramanick, Adv.

...for the State.

It is submitted by Mr. Somdeb Ash, Learned Advocate for the petitioners that he has no instruction to represent the petitioners in the instant revision and, therefore, the Court can pass necessary order in the instant proceeding.

Mr. Madhusudan Sur, Learned Additional Public Prosecutor is present in Court and he is requested to represent the State respondent in the instant matter.

Learned Public Prosecutor, High Court, Calcutta is requested to regularize the appointment of Mr. Sur in the instant matter.

On the basis of charge-sheet filed in G.R. Case No. 520/1999 arising out of Mayureswar Police Station Case No. 98/1999 dated 26.09.1999 under Sections 148/304/149 and Sections 326/149 of the Indian Penal Code, the case was committed to the Court of the Learned Sessions Judge, Birbhum. The Learned Sessions Judge transferred the case to the Learned Additional Sessions Judge, 1st Fast Track Court at Rampurhat for trial.

It appears from the impugned order dated 12th February, 2007 that the Learned Judge in 1st Fast Track Court framed charge against the accused persons. The accused persons pleaded not guilty. Subsequently, on 21st March, 2007 the Learned Trial Judge fixed sessions calendar for recording evidence of the witnesses on behalf of the prosecution.

At this stage, the petitioners have come up before the Court with a prayer to quash the proceeding.

On perusal of the impugned order and having heard Mr. Sur, the Learned Additional Public Prosecutor this Court is of the view that when charge was framed against the accused persons and date was fixed for recording evidence, a criminal proceeding cannot be quashed after commencement of trial.

For the reasons stated above, I do not find any merit in the instant criminal revision. Accordingly, the instant revision is **dismissed** on merit.

A copy of this order be sent down to the Court below with a direction to commence the trial of the case at the earliest.

(Bibek Chaudhuri, J.)