

16.11.2022
S/L No.23
KS

C.R.R. 1496 of 2021

Ashis Biswas @ Asish Biswas & Ors.
-Vs.-
The State of West Bengal & Anr.

Mr. Sanjib Seth
Mr. Sujoy Kumar Halder
.....For the Petitioners
Mr. Madhusudan Sur
Mr. Z. N. Khan
Md. Kutubuddin
.....For the State

The present revisional application has been preferred challenging the proceedings arising out of Balagarh Police Station Case No.209 of 2020 wherein the present petitioners have been implicated as accused. It has been contended that the petitioner no.2 in respect of the self-same incident wherein he and his relations/ associates were victim of circumstances, a case was registered at Balagarh Police Station Case No.186 of 2020 dated 22.11.2020. Learned advocate appearing for the petitioners submits that Balagarh Police Station Case No.209 of 2020 dated 25.12.2020 is a subsequent F.I.R. and, as such, is liable to be quashed on the taste of shameness.

Mr. Sur, learned advocate appearing for the State produces the Case Diary relating to both the cases and draws the attention of the Court to the injury report available in the Case Diary.

I have perused the nature of allegations available both in Balagarh Police Station Case No.186 of 2020 and Balagarh Police Station Case No.209

of 2020. On an assessment of the materials available in both the cases, I am of the opinion that the incident may be at the same time occurring at the same place but there are to separate injured persons who were inflicted injuries by separate set of persons. Consequently, the test of sameness will not apply in respect of both the cases.

Having regard to the same, I do not find any reason to interfere with the continuance of the proceedings arising out Balagarh Police Station Case No.209 of 2020 dated 25. 12. 2020. However, the Learned Magistrate will see to that the trial of the case is conducted smoothly preferably by fixing dates once in every two months so that within a reasonable period of time the same may be concluded.

With the aforesaid observations, C.R.R. 1496 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)