

13-05-2022
Subha
Item no.48
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1153 of 2013

In the matter of : Sri Ramesh Sadhukhan

.....petitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Anwar Hossain
Ms. Manisha Sharma

.....for the State.

The present revisional application has been preferred against the present proceedings arising out of Uluberia P. S. Case No. 361 of 2006 dated November 3, 2006 under Section 135(1)(a) of the Electricity Act, 2003.

The subject matter of challenge relates to an application under Section 175 of the Code of Criminal Procedure preferred before the jurisdictional court.

It has been observed that the learned special court in its order dated 5th March, 2013 that the plea taken up by the Investigating Officer that the chargesheet has been submitted before the court on 13.11.2006 was not tenable as there was no endorsement to that effect and as such the learned court was pleased to call for an explanation from the Investigating Officer of the case.

As none appeared on behalf of the State, Ms. Manisha Sharma, learned advocate who ordinarily appears on behalf of the State was directed to represent the State. Her appointment may be regularized by

the concerned Authorities in due course.

Having regard to the stage at which the petitioner approached this court without the application under Section 167(5) of the Code of Criminal Procedure being disposed of by the learned special court, I am of the opinion that the application is premature and the same be disposed of either in tune with the prayer of the petitioner and/or against the petitioner's prayer and thereafter such approach should have been before this court. No interference is called for by this court.

Accordingly, the revisional application being CRR 1153 of 2013 is dismissed.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

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]