

13-05-2022
Subha
Item no.49
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1154 of 2013

In the matter of : Sri Arghya Mandal

.....petitioner.

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

Mr. Arijit Ganguly
Mrs. Debjani Sahu

.....for the State.

The present revisional application has been preferred challenging the order dated 9th January, 2013 passed by the learned Additional District and Sessions Judge, 3rd court, Barasat in connection with the S. C. 17(7) of 2011 arising out of G. R. Case No. 245 of 2010 under Sections 384/385/386/387/ 326/307/504/506/34 of the Indian Penal Code.

As none appeared on behalf of the State, Mr. Arijit Ganguly, learned advocate who ordinarily appears on behalf of the State was directed to represent the State. His appointment may be regularized by the concerned Authorities in due course.

The order dated 9.1.2013 reflects that in an application under Section 227 of the Code of Criminal Procedure, the learned Sessions Court was pleased to hold that the provisions of Section 307 of the Indian Penal Code which was incorporated in the chargesheet was groundless and held that so far as the other sections are concerned, the case must continue with the same. In the same breadth, the learned

Sessions Court was pleased to hold that as rest of the offences are Magistrate triable, therefore the case records be sent to the learned Additional Chief Judicial Magistrate, Bidhannagar for trial. I have taken into account the records of the revisional application and it reflects that on 9.4.2013 when the revisional application appeared, there was a only a direction for issuing notice. There was no interim order till date restraining the proceedings before the learned trial court. No information has been submitted before this court regarding the present stage of the proceedings.

Having regard to the observations made above as also the findings recorded by the learned Sessions Court while arriving its conclusion and the fact that there has been lapse of almost nine years since the impugned order was passed, I am of the opinion that at this belated stage no interference is called for.

Accordingly, the revisional application being CRR 1154 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]

