

23.09.2022

Sl No.58.

Suman
Ct. 42

**CRR 2352 of 2022
With
CRAN 1 of 2022**

**Asmin Bibi and another
-versus-
The State of West Bengal & Anr.**

Sk. Nezamuddin
...for the petitioners

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Arani Bhattacharya
...for the ld. District Judge, Purba Medinipur

Mr. Arindam Jana
Mr. Souvik Maji
...for the opposite party

Mr. Kunal Ganguly
Mr. Tirupati Mukherjee
..for the opposite party No.2

Mr. Saibal Bapuli, APP
Mr. Bibaswan Bhattacharya
...for the State

It is unfortunate to note that the order dated 2nd August, 2022 was obtained by suppression of material fact.

This Court vide order dated 2nd August, 2022 took exception against the order passed by the learned Sessions Judge, Purba Midnapur while framing charge against the accused persons vide order dated 2nd April, 2022. It is on record that the name of the same accused was stated in serial Nos.

12 and 17 and again in serial Nos. 13 and 18 in the form of charge.

This Court admitted the instant revision mainly on the ground of non-application of mind by the Sessions Judge, Purba Medinipur.

The instant revision was filed on 6th July, 2022. The application was moved for admission hearing on 2nd August, 2022.

At that point of time, the learned advocate for the petitioners did not place the order dated 12th July, 2022 passed by the learned Sessions Judge, Purba Medinipur wherein the learned Sessions Judge recorded that the names of one and identical accused was inadvertently recorded in serial Nos. 12 and 17 and in serial Nos. 13 and 18 in the form of charge. With the above observation, he rectified the order of framing charge and the charge form. In view of the order dated 12th July, 2022 there would not have been any occasion to move the instant revision on 2nd August, 2022.

In view of such circumstances, I do not find any merit in the instant revision and the revision is summarily dismissed. The observation made against the judicial act of the learned Sessions Judge, Purba Medinipur while framing charge in connection with Sessions Trial No.17 of 2022 corresponding to Sessions Case No. 18 of 2022 is recalled and it is

recorded that such observation in the order dated 2nd August, 2022 was made by this Court as a result of misrepresentation by the learned advocate for the petitioners.

A copy of this order be sent to the learned Sessions Judge, Purba Medinipur.

(Bibek Chaudhuri, J.)