

24.08.2022
S/L No.101
KS

C.R.R. 2502 of 2009

Samarjit Mondal
-Vs.-
The State of West Bengal

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
.....For the Petitioner
Mr. S. G. Mukherjee, Ld. P.P.
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
.....For the State

Report so submitted by learned advocate for the State be kept with the record.

Report reflects that in spite of best efforts the private respondent refused to accept the service and the same was informed to Nimta Police Station which was recorded as General Diary Entry.

Mr. Chatterjee, learned advocate appears for the petitioner and submits that petitioner happens to be the stepson and he has been falsely implicated in connection with the instant case, although, he had no relationship with the alleged incident.

I have perused the allegations made by the victim/complainant namely, Minati Mondal and I find that the allegations against the husband, the stepson and the relations relating to injuries reflected on her head are same.

The Investigating Agency has already submitted charge-sheet and the petitioner thereafter has approached this Court. Records do not

reflect that at the relevant point of time when the petitioner approached this Court the case was under Section 239/240 of the Code of Criminal Procedure.

Having regard to the same, I direct that if the charges till date has not been framed, the Learned Trial Court will grant liberty to the petitioner to agitate the point canvassed in this revisional application. Alternatively, in case, the proceedings are still pending and the trial of the case is in progress, the petitioner may be afforded to canvass the point at the appropriate stage.

With this aforesaid direction, C.R.R. 2502 of 2009 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The Case Diary be returned to the learned advocate for the State.

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.)