

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 2989 of 2022

Md. Nasir Hossain

Vs.

Th Stat of We Bengal

**For the petitioner : Mr. Imtiaz Ahmed, Adv.
Mrs. Ghazala Firdaus, Adv.
Mr. Mofakkerul Islam, Adv.
Mr. Sk. Saidullah, Adv.
Mr. Mithun Mondal, Adv.
Md. Arsalan, Adv.
Mr. Julfikar Alam, Adv.**

For the State : Mr. Sandip Chakrabarty, Adv.

Heard on : 20.12.2022

Judgment On : 20.12.2022.

Bibek Chaudhuri, J.

Invoking this Court's jurisdiction under Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of the proceedings being G.R.Case No.857 of 2020 arising out of Suti Police Station Case No.235 of 2020 dated 4th June, 2020 and charge sheet being No.246 of 2020 dated 19th June, 2020 under Sections 448/323/326/308/34 of the Indian Penal Code presently pending before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad.

It is frankly submitted by the learned Advocate for the petitioner that though the petitioner has challenged the impugned proceeding on various grounds and finally praying for quashing of the instant application, the instant revision may be disposed of granting liberty to the petitioner to file an application under Section 227 of the Code of Criminal Procedure praying for his discharge before the learned Magistrate raising all such points in the instant revision at the appropriate stage.

Mr. Sandip Chakrabarty, learned Public Prosecutor-in-Charge is requested to assist this Court on behalf of the State of West Bengal/opposite party. Appointment of Mr. Chakrabarty be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is submitted by Mr. Sandip Chakrabarty on behalf of the State of West Bengal that the petitioner may be granted liberty as prayed for and permitted to raise all such issues by filing an application under Section 227 of the Code of Criminal Procedure.

In view of such submission, the instant application is disposed of granting liberty to the petitioner to raise all such issues involved in the instant revision before the learned Additional Chief Judicial Magistrate at Jangipur, Murshidabad by filing an application under

Section 227 of the Code of Criminal Procedure praying for his discharge.

If any such application is filed by the petitioner, the learned Magistrate is at liberty to dispose of the said application without being influenced in any way by the instant order.

The instant revisional application is **disposed of**.

Parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.14.***