

61 12.05.2022  
AKG  
Ct. No. 42

**CRR 3146 of 2009**

Md. Nurul Basar  
Vs.  
The State of West Bengal

Mr. Tapas Kr. Ghosh,  
Mr. Tanmoy Chowdhury  
...for the Petitioner

Mr. Sandip Chakraborty  
...for the State

Since nobody appears on behalf of the State/opposite party, the Court requests Mr. Sandip Chakraborty to represent the State in this matter. The appointment of Mr. Chakraborty may be regularized by the learned Public Prosecutor in consultation with the Legal Remembrancer, Govt. of West Bengal.

The petitioner is the accused of Special Court Case No. 1 of 2009 under Sections 409/420/120B of the Indian Penal Code arising out of Rampurhat Police Station Case No. 191 of 2008 and G.R. Case No. 813 of 2009.

At the time of hearing, it is submitted by the learned advocate for the petitioner with all fairness that the petitioner filed an application before the trial Court with a prayer to discharge him. The said application could not be heard because of the fact that the petitioner has also filed the instant revision and an order was passed staying all further proceedings in the Court below. On the prayer of the petitioner, the lower Court record was also called for.

Now at this stage, the petitioner wants that his application

for discharge may be heard by the trial Court and with such direction, the instant revision may be disposed of and the lower Court may be sent down to the lower Court below.

Learned Public Prosecutor-in-Charge has raised no objection against the prayer made by the learned advocate for the petitioner at this stage.

Accordingly, the instant criminal revision being CRR 3146 of 2009 is disposed of directing the learned Trial Judge to hear out and dispose of the application filed by the petitioner praying for his discharge from the case. Such application is to be disposed of within one month from the date of receipt of the lower Court record after serving notice to the learned advocate for the prosecution.

Let a copy of this order be sent to the Court below along with the lower Court record forthwith.

**(Bibek Chaudhuri, J.)**