

CRR 2964 of 2008

In the matter of : Tarak Mohanta

Mr. Apalak Basu
Mr. Mukul Biswas ... for the Petitioner

Mr. Bidyut Roy
Ms. Rita Datta ... for the State

Challenge in this revisional application is to the order passed by the learned Judge, Special Court under the N.D.P.S. Act, Nadia in N.D.P.S. Special Case No. 162 of 2007 arising out of Chakdaha Police Station Case No. 572 of 2007 dated 12.12.2007 when Madan Biswas, co-accused person was arrested. In course of investigation at the behest of the Investigating Officer, learned Special Court was pleased to issue warrant against the petitioner and one Vasha Paramanick @ Mahadeb. The petitioner was not named in F.I.R. According to the petitioner, learned Trial Court had no reason to issue non-bailable warrant of arrest which exhibits lack of application of judicial mind on the part of learned Trial Court. Underscoring his innocence in the matter the petitioner has prayed for quashment of order passed by Learned Special Judge in N.D.P.S. Case No. 162 of 2007.

Learned counsel appearing for the petitioner submits that after investigation Investigating Officer did not send the petitioner for trial.

The status report submitted by the learned counsel representing the State reveals that charge sheet was submitted

against one Madan Biswas, Vasa Pramanik @ Mahadeb. After trial the prosecution since failed to prove the charges against the accused persons, learned Special Court disposed of the Sessions case by recording an order of acquittal.

Be that as it may when the petitioner was not sent up for trial and the proceeding itself has been disposed of, there is no room left to get into the merit of the case which has virtually become infructuous.

The criminal revision, is thus, disposed of along with applications, if any.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)