

23.06.2022
S/L No.16
KS

C.R.R. 3003 of 2015
Sk. Moinuddin & Ors.
Vs.
The State of West Bengal

Mr. Narayan Prasad Agarwala
Ms. Sima Biswas

.....For the State

The matter is listed today for hearing.

On call none appears for the petitioners.

Mr. Narayan Prasad Agarwala and Ms. Sima Biswas, learned advocates appear for the State.

Learned advocate for the State files a report relating to status of the pending cases being Sessions Case No.10 of 2014 arising out of Goghat Police Station Case No.190 of 2011 and G.R. Case No.700 of 2011 under Sections 147/ 148/ 149/ 323/ 325 of the Indian Penal Code.

Perused the report submitted by Officer-in-Charge, Goghat Police Station, Hooghly. It appears from the report that Sessions Case No.3 of 2014/Sessions Trial No.10 of 2014 corresponding to G.R. Case No.700 of 2011 pending before the Learned Additional District & Sessions Judge, 2nd Court, Arambagh and already 16 out of 18 witnesses have been examined. It is further stated that Goghat Police Station Charge Sheet No.330 of 2011 dated 31.10.2011 has been filed and the trial is pending before the Learned Judicial Magistrate, 2nd Court, Arambagh, Hooghly. The report be taken on record.

This revisional application has been filed by the petitioners under Article 227 of the Constitution of India praying for analogous hearing of Goghat Police Station Case No.190 of 2011 under Sections 147/ 148/ 149/ 323/ 325/ 326/ 307/ 379/ 427 of the Indian Penal Code and Section 25/27 of the Arms Act corresponding to G.R. Case No.691 of 2011 and Goghat Police Station Case No.191 of 2011 dated

07.06.2011 under Section 147/ 148/ 149/ 323/ 325 of the Indian Penal Code corresponding to G.R. Case No.700 of 2011 by the same Court. Petitioners have also prayed for setting aside of the order dated 15/12/2014 passed by the Learned Additional Sessions Judge, 2nd Court, Arambagh rejecting the prayer for simultaneous/analogous hearing of both the cases.

Administrative notice was served upon all petitioners except No. 5 and 11. None appears for the petitioners.

The petitioners herein have not enclosed any copy of the F.I.R. of the two separate cases to indicate that they arise out of the same occurrence. I find from the status report that the Sessions Case has proceeded considerably and 16 out of 18 witnesses have already been examined. In the G.R. case pending before Learned Judicial Magistrate, 2nd Court, Arambagh, there has been no progress yet.

In view of the fact that the trial in Sessions case has progressed, no fruitful purpose would be served by simultaneous hearing of the cases. Petitioners have failed to discharge his onus to show that both the cases arise out of the same occurrence.

The revisional application is thereafter dismissed on merit.

Interim order, if any, stands vacated.

Let a copy of this order be communicated to Learned Additional Sessions Judge, 2nd Court, Arambagh, Hooghly with a direction to expedite the trial of the case.

Let another copy of this order be sent to Learned Judicial Magistrate, 2nd Court, Arambagh, Hooghly for proceeding with G.R. Case No.700 of 2011.

All parties shall act on the server copy of this order downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.)

