

17-02-2022
Subha
Item-37
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 3268 of 2017

In Re: An application under Sections 482 of the Code of Criminal Procedure.

In the matter of : Gour Hari Maity

...Petitioner.

None appears on behalf of the petitioner or the State.

As such, Mr. Arijit Ganguly, learned advocate for the State is directed to appear in this matter with his junior(Mrs. Debjani Sahu, learned advocate) on behalf of the State. Their appointments may be regularized by the concerned authorities in due course.

The subject matter of the case relates to an order dated 22.06.2017 passed by the learned Judicial Magistrate, 2nd court Basirhat in connection with G. R. Case No. 5067 of 2015.

The grievance of the petitioner was that his application under Section 173(8) Cr.P.C was dismissed by the learned Magistrate.

The learned Judicial Magistrate observed that as the case record has been transmitted to him after cognizance being taken, no order for further investigation can be passed.

I have considered the reasons assigned by the learned Magistrate which may not be in consonance with the provisions of the statute.

Now having regard to the fact that the case was initiated in the year 2015 and the order was passed in the year 2017, I am of the opinion that no useful purpose would be served by directing further investigation at this belated stage.

However, if in course of the trial, materials surface in evidence, the learned court would be at liberty to invoke the provisions of Section 319 of the Code of Criminal Procedure or amend the charges according to the evidence.

With the aforesaid observations, the revisional application being CRR 3268 of 2017 is disposed of.

Interim order, if any, is, hereby, vacated.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

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