

D/L 16
March 4,
2022
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C.R.R. No.3449 of 2018
With
CRAN 1 of 2019 (Old CRAN 2395 of 2019)
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 filed in connection with Burtolla Police Station E.B. Case No.167/2014 dated 23.04.2014 under Section 27(a) of the Drugs & Cosmetics Act;

Hirak Mukherjee & Anr.
Versus
State of West Bengal & Anr.

Mr. Milon Mukherjee,
Mr. Biswajit Manna.
...for the petitioners.

Mr. Swapan Banerjee,
Mr. Suman De.
...for the State.

Mr. Mukherjee, learned senior advocate appearing for the petitioners challenges the proceedings arising in connection with G.R. Case No.1108 of 2014.

Records reflect that at the stage when the petitioners approached this Court, the same was fixed for commitment.

Mr. Swapan Banerjee, learned senior Government advocate submits report before this Court.

Let the report be kept with the record.

As the case has been committed from the court of the learned Magistrate, it would be in the interest of the petitioners that the points canvassed in the revisional application be agitated before the jurisdictional trial court which the jurisdictional trial court would appreciate and dispose of the same in accordance with law.

Mr. Mukherjee, learned senior advocate appearing for the petitioners submits that both the petitioners are aged and, as such, it may not be possible for them to be physically present in the day-to-day proceedings of the court.

In view of such submissions advanced, the learned trial court is directed that in case an application under Section 205 of the Code of Criminal Procedure is preferred by the petitioners separately with an affidavit expressing their difficulties along with undertaking that they will not be prejudiced if the proceedings progress in their absence, accompanied by an undertaking that any order of the learned Magistrate which has been passed in presence of the counsel being represented (but in absence of the petitioners) should not be a foundation in an appeal that the petitioners were unable to understand the steps taken by the learned advocate before the trial court.

The learned trial court would, if such application is preferred, allow the lawyer/lawyers to be represented in the day-to-day proceedings of the court and would not insist upon the physical presence of the petitioners except for the purposes when the proceedings cannot progress without the physical presence of the petitioners.

With the aforesaid observations, CRR 3449 of 2018 is disposed of.

Pending application, if any, is consequently disposed of.

Needless to state that this Court has not gone into the merits of the case and, as such, the learned trial court at the

appropriate stage would independently decide the issue, if so raised by the petitioners.

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

(Tirthankar Ghosh, J.)