

30.11.2022
32 & 33
SB
Ct. No.236

CRR 4476 of 2008
CRAN 1 of 2009
With
CRR 841 of 2007

In the matter of : Smt. Damayanti Majhi

Mr. Subhasish Roy ... for the petitioner

Mr. N. P. Agarwala
Mirza Firoj Ahmed Begg ... for the State

Heard Mr. Roy, learned counsel representing the petitioner.

It is submitted by Mr. Roy that Hon'ble Apex Court passed certain directions in Criminal Appeal No. 273 of 2006 [Sujoy Kumar Chanda Vs. Damayanti Majhi and Another] and Criminal Appeal No. 274 of 2006 [Sasanka Sekhar Banerjee vs. Damayanti Majhi & Anr.]. Hon'ble Apex Court was pleased to set aside the order dated 07.6.2005 passed by the co-ordinate Bench of this Court and was pleased to remit the matter to the Court of learned Additional Chief Judicial Magistrate, Kalyani, Nadia for committal of the case to the learned Sessions Judge at Nadia for commencement of trial with a liberty to the learned Sessions Judge to summon the appellant or any other person under Section 319 of Cr.P.C. in appropriate stage, if it is found necessary by invoking the provision of Section 319 of Cr.P.C. The Hon'ble Apex Court was also pleased to remit the Complaint Case No. 138(C) / 97 to the Court of learned Additional Chief Judicial Magistrate, Nadia with a direction upon the learned Judicial Magistrate to commit the case to the Court of Sessions, Nadia in accordance with the provisions of the Code

Learned Sessions Judge, Nadia shall proceed with the case in accordance with law. Liberty has also been given to the learned Trial Court to invoke the provision of Section 319 to proceed against any of the appellants, if their complicity transpires from the evidence.

Under such circumstances, the revisional applications appear to have lost relevance and merit.

Thus disposed of without any order as to costs.

Server copy of the judgement of the Hon'ble Supreme Court provided by Mr. Roy, is taken with the record.

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

The parties shall act upon the server copy duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)