

CRR 3636 of 2013

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: Khairul Alam

.... Petitioner

Mr. Sourav Chatterjee,
Mr. Aniruddha Bhattacharyya
...for the Petitioner

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata
...for the State

By filing this revisional application, the petitioner has challenged an order dated February 27, 2013, passed by the Judicial Magistrate, 3rd Court, Alipurduar, Jalpaiguri in G.R. Case No.1314 of 2010, framing charges under Sections 465, 468, 471 and 506 of the Indian Penal Code, 1860. The petitioner also seeks to quash the entire proceeding.

It has been submitted by Mr. Sourav Chatterjee, learned advocate appearing for the petitioner that though the charges were framed under the aforesaid sections, no handwriting expert was cited as a prosecution witness and no opinion of handwriting expert was on record. Learned Magistrate, therefore, ought not to have framed charges under the aforesaid sections with an additional charge under Section 120B of the Indian Penal Code.

It has further been pointed out that subsequently, by an order dated May 5, 2022, again the charges were framed against the petitioner, following which a schedule of trial has also been fixed by the learned Magistrate in the Court below.

It appears that the next trial has commenced and the prosecution witnesses are adducing evidence. At this juncture, I am not inclined to interfere with the trial. However, I make it clear that the petitioner will be at liberty to take up all the points taken in this revisional application at the appropriate stage before the learned Magistrate in the Court below.

With this observation, this revisional application being CRR 3636 of 2013 is disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)