

07.09.2022

Item No.22

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 5 of 2020

**Md. Safikul Islam
versus
State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

Mr. Jaydeep Kanta Bhowmik ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty ... For the State.

This revisional application has been preferred challenging the proceedings arising out of Malbazar Police Station Case No. 17 of 2017 dated 11.01.2017 under Sections 365/368/347/34 of the Indian Penal Code read with Sections 3(iv)(v)(ix) of SC & ST Prevention of Atrocities Act, 1989.

Records of the case include the copy of the formal FIR and the orders ranging from 16.09.2019 to 17.10.2019.

Mr. Bhowmik, learned advocate, who represented the petitioner, informs that he could not establish his contact with the petitioner.

Mr. Nilay Chakraborty, learned advocate appears for the State.

Having regard to the stage at which the petitioner approached this Court for quashing the proceedings, I do not find any material which warrants interference of this Court in view of the allegations made in the FIR.

The petitioner would be at liberty to canvass such points at the stage of consideration of charges after the charge-sheet is submitted and the documents under Section 207 of the Code of Criminal Procedure are supplied to the petitioner.

Needless to state that this Court has not gone into the merits of the allegations so far as the FIR is concerned considering the fact that the FIR was registered in the year 2017 and today, we are in the year 2022. If the charge-sheet has been submitted and copies are supplied to the petitioner, learned Special Court, on perusal of the documents relied upon by the prosecution, would independently consider as to whether charges should be framed or not.

With the aforesaid observations, the revisional application being CRR 5 of 2020 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order 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 compliance with all requisite formalities.

(Tirthankar Ghosh, J.)