

16.02.2023

Sl. No. 08

Srimanta

Ct.No. 42

IA No.:CRAN/4/2023

in

CRR/81/2022

In the matter of : **Shekhar @ Sekhar Chowdhury**

Mr. Shibaji Kumar Das, Adv.,
Ms. Rupsa Sreemani, Adv.

...for the petitioner.

Mr. Swapan Banerjee, Adv.,
Mr. Suman De, Adv.

...for the State.

Affidavit-of-service filed in Court today be kept with the record.

This is an application for extension of interim order. However, on perusal of the materials-on-record and specially the order dated 9th March, 2022 passed by a Coordinate Bench, it is ascertained that during the pendency of the instant revision the petitioner submitted certain documents to prove citizenship of this country. The Investigating Officer was directed to examine those documents and submitted a report. The Investigating Officer duly complied with the said direction passed by Coordinate Bench and submitted a report on perusal of which it is ascertained that the documents filed by the petitioner shows that he is an Indian citizen.

In the instant case, charge-sheet has been filed against the petitioner under Sections 14(A)(b) of the Foreigners Act, 1946. In view of the report on record this Court is of the view that the instant revision can be disposed of here and now directing the Trial Judge to take into consideration the report submitted by the Investigating Officer in respect of the documents of citizenship filed by the petitioner at the time of consideration of charge. If the learned Judge on perusal of

the documents finds that the petitioner is an Indian citizen, there would be no question to frame charge under the Foreigners Act and to put the accused in trial.

It is submitted by the learned Advocate for the petitioner that the report submitted by the Investigating Officer was also filed before the learned Sessions Judge. All the documents were filed by the learned Sessions Judge but the prayer for discharging the accused was turned down by the learned Additional Sessions Judge, Fast Track, Court No. 2, Calcutta.

Learned Additional Sessions Judge, Fast Track, Court No. 2, Calcutta is directed to reappraise the report of the Investigating Officer and the documents submitted by the accused in support of his citizenship of this country at the time of consideration of charge. If it is found that the petitioner is an Indian citizen, there is no need to frame charge against the accused under the Foreigners Act and he would be discharged.

In view of the above direction, Order No. 35 dated 8th March, 2021 passed by the learned Court below is set aside.

With the above order, the instant revision along with the connected applications are disposed of.

(Bibek Chaudhuri, J.)