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01.09.2023
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C.R.R.213 of 2023

In Re: An application under Section 482 read with Section 397/401 of the Criminal Procedure Code, 1973;

Majibur Rahaman and others
Versus
The State of West Bengal and another

Mr. Bani Brata Datta
Mr. Dibyendu Ghosh.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P
Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Mr. Imran Ali, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

The revisional application was affirmed on January 18, 2023. The revisional application appeared on 15th June, 2023 when accommodation was sought for on behalf of the petitioners. Today, again an accommodation has been sought for on behalf of the petitioners on the ground of learned lawyer representing them.

Having regard to the fact that the subject matter of the revisional application relates to a proceeding under Section 302 of the Indian Penal Code along with other relevant sections which arose out of Harishchandrapur Police Station Case No.531 of 2020

dated 14.08.2020, I am not inclined to allow such adjournment.

The revisional application was preferred for quashing of the charge-sheet dated 30th June, 2021 which was filed under Sections 341/326/325/307/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

I have considered the contentions advanced in the revisional application along with the documents which have been enclosed. I find that along with the revisional application selected set of documents which include statement under Section 164 of the Code of Criminal Procedure and the charge-sheet which has been enclosed. The whole set of documents under Section 207 of the Code of Criminal Procedure have not been enclosed along with the present revisional application. Accordingly, I am of the opinion that convenient documents being enclosed cannot be circumstances of adjudicating the revisional application wherein the prayer has been advanced for quashing of the proceedings.

Having regard to the period of time which has lapsed since the case was initiated in the year 2021, I direct the learned trial court in seisin of the matter to take steps for expeditiously progressing with the case arising out of Harishchandrapur Police Station Case No.531 of 2020.

With the aforesaid observations, CRR 213 of 2023 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)