

C.R.R. 220 of 2023

**Sk Nasir
Vs.
The State of West Bengal**

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Mr. S. Sinha

... ... for the petitioner

Mr. Pravas Bhattacharya
Mr. M.F.A. Begg

... ... for the State

Petitioner is directed to serve a copy of the revisional application upon Mr. Pravas Bhattacharya, Ld. Advocate who ordinarily appears on behalf of the State. His appointment be regularized by the concerned authorities.

Petitioner has challenged the order dated 29th December, 2022. The said order was not before the proper forum. Consequently, the same was rejected.

The allegations are under sections 399/402 of the Indian Penal Code read with section 25(1-B)(a) of the Arms Act wherein the charge-sheet was submitted against other accused persons including the present petitioner.

Learned advocate appearing for the petitioner submits that the documents under section 207 of the Code of Criminal Procedure are to be received.

Learned advocate for the petitioner has also pointed out to this Court that although the case was initiated in the year 2016 but because of one of the accused persons absconding the trial is stopped and the petitioner is suffering.

Having considered the submissions advanced by the learned advocate appearing for the petitioner, I direct the learned

Magistrate to exhaust the process of law so far as the other absconding accused is concerned. Once the process is exhausted the learned Magistrate will be at liberty to split up the trial so that the case may be committed to the Court of Sessions.

Learned Sessions Court at the stage of consideration of charge if called upon to decide the application in the nature of section 227 of the Code of Criminal Procedure incorporating the documents under section 207 of the Code of Criminal Procedure the same would be considered by the learned trial Court in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 220 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.

(Tirthankar Ghosh, J.)