

D/L213
20.09.2023
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C.R.R.441 of 2022

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

Sajal Chowdhury @ Sajal Kumar Chowdhury and others
Versus
The State of West Bengal and another

Mr. Arindam Jana
Mr. Arun Kumar Chakraborty
Mr. Soumajit Chatterjee
Mr. Arhan Sengupta
Mr. Partha Pratim Sinha.
...for the petitioners.

Mr. S.S. Imam
Mr. Arabinda Manna.
...for the State.

Ms. Dipti Chowdhury (Sasmal). ...De facto complainant
(in person)

The present revisional application was preferred
challenging the proceedings arising out of Chandrakona Town Police
Station Case No.226 of 2012 wherein charge-sheet was submitted
before the jurisdictional court and subsequently supplementary
charge-sheet has been submitted.

Learned advocate for the petitioners submits that there
are two cases. Another case was instituted by the same de facto
complainant being Kotwali Police Station Case No.456 of 2012 dated
10.08.2012. In the said case also charge-sheet was submitted
before the jurisdictional court and in the said case, one Salil
Chowdhury was only made an accused and rest of the persons

which included some of the present petitioners were exonerated. While in the present case arising out of Chandrakona Town Police Station Case No.226 of 2012 in the charge-sheet the present petitioners have been implicated as an accused while the said Salil Chowdhury has been exonerated from the charges.

I have taken into account the submissions advanced by Mr. Jana.

Learned advocate has submitted that the investigation of the case has been carried on a contradictory manner and the offences are such that the second case cannot be allowed to continue so far as the present petitioners are concerned. Learned advocate prays for quashing of the proceedings.

Learned advocate for the State has produced the case diary as well as the report prepared by the CID, West Bengal. Let the same be kept with the record.

The de facto complainant in person has appeared in this Court and tried to impress upon this Court relating to the two different documents of the civil court also.

Be that as it may, petitioners approached this Court at a stage when the charge-sheet was submitted. Copies under Section 207 of the Code of Criminal Procedure are yet to be supplied.

In view of the factum relating to both the cases, I direct the learned CJM, Paschim Medinipur to withdraw both the cases of his own file either try both the cases himself and/or relegate/transfer the same to one and the same Magistrate so that both the cases can be tried together one after other before the same

court.

With the aforesaid observations, CRR 441 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

Department is directed to communicate this order to the learned CJM, Paschim Medinipur within a fortnight from date.

The Deputy Superintendent of Police/Sub-Divisional Police Officer having jurisdiction over Kotwali Police Station will give assistance to the de facto complainant for her easy access to the court of the learned CJM, Paschim Medinipur.

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.)