

19.01.2023
S/L No.6
KS

C.R.R. 279 of 2021
Lalmohan Bangal
-Vs.-
The State of West Bengal

Mr. S. Bera
Mrs. Priti Jain

.....For the Petitioner

Mr. Arijit Ganguly
Ms. M. Sharma

.....For the State

Learned advocate appearing for the State submits the report as earlier directed. Report reflects that date has been fixed by the learned Additional Sessions Judge, Haldia, Purba Medinipur on 08.02.2023 for consideration of charges. Report so submitted be kept with the record.

Learned advocate appearing for the petitioner argues that the fact of the present case do not implicate the present petitioner who is aged about 73 years and has already suffered Cardiac Arrest. Learned advocate has drawn attention of this Court to the documents prepared by the Doctor which reflects that there was no representation made to the Doctor that the present petitioner had any complicity with the offence or connection relating to the death of the victim. Additionally, it has been submitted that the victim fell down and subsequently, succumbed to death which has been mala fide controverted into a case under Section 302 of the Indian Penal Code. Lastly, it has been submitted that if the allegations made in the statements under Section

161 of the Code of Criminal Procedure are accepted to be true in its entirety, the same fails to make out any case.

I have considered the submissions advanced by learned advocate appearing for the petitioner and on an assessment of the materials placed before this Court, I am of the opinion that no case for interference, at this stage, has been made out by this Court.

Considering the stage at which the petitioner approached this Court, I am of the view that any assessment regarding the statement of witnesses are bound to prejudice the petitioner before the learned Trial Court. Petitioner would be at liberty to canvass the points agitated in the present revisional application at the stage for which the next date has been fixed before the learned Trial Court.

With the aforesaid observations, C.R.R. 279 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)