

11-08-2023
subha
Item no. 52
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 455 of 2023

Pritish Das
-versus-
The State of West Bengal & Anr.

Mr. Kishore Mukhrejee
....for the petitioner.

Mr. Rudradipta Nandy, Id. APP
Mr. Iqbal Kabir
...for the State.

Petitioner is directed to serve a copy of the revisional application along with the supplementary affidavit upon Mr. Rudradipta Nandy, learned Additional Public Prosecutor, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

The subject matter of challenge relates to the order dated 29.11.2022 wherein the petitioner prayed for discharge.

I have perused the documents which have been enclosed in the supplementary affidavit and I find that although all the sections for which chargesheet has been submitted may not apply in respect of the issue relating to framing of charges but some of the sections definitely do apply in the facts and circumstances of the present case. As the date has been fixed for framing of charge, I do not think it would be fit and proper to spell out the sections at present. The learned Metropolitan Magistrate, 16th court, Calcutta would apply his mind at the stage of consideration of charges regarding the applicability of the sections. So far as the issue relating to

whether a case has been made out or not I am of the opinion that a case has been made out for trial. The applicability of the sections at the stage of consideration of charges would be first decided by the learned trial court. Consequently, no interference is made by this court at this stage. However, the learned trial court would exercise its discretion.

With the aforesaid observations, the present revisional application being CRR 455 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]