

14-09-2023
Subha
Item no. 48
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 628 of 2023

Rajat Chakraborty @ Rajot Kumar Chakraborty
-versus-
State of West Bengal & Anr.

Ms. Afreen Begum
Mr. Robiul Islam
Mr. Raju Mondal
.....for the petitioner.

Mr. S. G. Mukherji, Id. PP
Mr. Imran Ali
Mrs. Debjani Sahu
...for the State.

Petitioner is 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 regularized by the concerned Authorities in due course.

Learned advocate for the petitioner submits that the issue between the complainant and the petitioner is with regard to the fencing and over which issue, several complaints were lodged before the authorities.

Learned advocate submits that the allegations for attracting the provisions of SC/ST Prevention of Atrocities (POA) Act are very vague and no particular language has been used and general term/phrase relating to caste has been narrated to invoke such provisions which is against the settled proposition of law.

Learned advocate submits that the independent witnesses have not supported or have not indicated regarding the commission of

offence under the relevant provisions of the said Act.

I have considered the submissions so advanced on behalf of the petitioner and on assessment of the same, I am of the opinion that the issue so canvassed requires to be assessed in course of cross-examination and there was no illegality in the order dated 3rd February, 2023 passed by the learned Additional District and Sessions Judge, 1st court, Asansol, Paschim Bardhaman in connection with Chittaranjan P. S. Case No. 03 of 2022 dated 17-01-2022.

Having regard to the observations made above, I am of the view that no interference is called for. Petitioner would be at liberty to canvass such issues as directed above in course of trial/cross-examination.

With the aforesaid observations, the present revisional application being CRR 628 of 2023 is disposed of.

The learned trial court is directed to fix a schedule of three dates and fix a schedule once in every forty-five days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

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.

[Tirthankar Ghosh, J]

