

01.08.2023
Serial no. 15
[G.S.D]

CRR 762 of 2023

In the matter of : Shyam Sundar Kedia

... .. Petitioner

Mr. Supratim Dhar
Mr. Suman De
Mr. Dhananjay Nayak

... For the Petitioner

Mr. S. G. Mukherjee
Mr. Anowar Hossain
Ms. Manisha Sharma

... For the State

Learned Advocate for the petitioner is directed to serve a copy of this revisional application upon Mr. Anowar Hossain, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

The subject-matter of this revisional application relates to challenge in respect of continuation of Hare Street P.S. Case No. 787 of 2013 dated 12.11.2013 wherein charge-sheet was submitted in the year 2021.

Learned Advocate appearing for the petitioner has fairly submitted that on 9.6.2023 in CRR 1509 of 2023 in connection with same case no. being 787 of 2013 dated 12.11.2013, the defacto-complainant/O.P. no.2 preferred a direction for expeditious disposal of the trial of the case.

Since the case was pending from the year 2013, this Court directed the Learned Magistrate to expedite the progress of the trial, particularly, with regard to the urgency regarding the issue of framing of charges.

I direct that the petitioner before this Court namely, Shyam Sundar Kedia, be granted liberty to prefer an application under Section 239 of the Code of Criminal Procedure before the Learned Magistrate on the next date so fixed on 10.8.2023 (as has been informed by the Learned Advocate for the petitioner).

The Learned Magistrate would take into account the different cases pending, which were the subject-matter of consideration before this Court, and, if the Learned Court is of the opinion that such document which have been placed before the Court are of sterling nature and impeccable quality, in that case, relying upon the judgment of [*Rajiv Thapar (2013) 3 SCC 330 (Paragraph 30)*] the Learned Magistrate would dispose of the application under Section 239 of the Code of Criminal Procedure in accordance with law without being influenced by any observation made by this Court either in the present revisional application or in the revisional application being CRR 1509 of 2023.

With the aforesaid observation CRR 762 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)