

24-01-2023
Subha
Item no.15
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 666 of 2021

Santosh Mandal
-versus-
The State of West Bengal & Anr.

Re : An application under Ss. 397/401 read with S.482 of the Code of Criminal Procedure.

Mr. Jayanta Narayan Chatterjee
Ms. Nandini Chatterjee
...for the petitioner.

Ms. Zareen N. Khan
Ms. Sreeparna Das
...for the State.

The present application has been preferred challenging the order dated 20th January, 2021 passed by the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad in connection with G. R. Case No. 706 of 2018 arising out of Suti Police Station Case No. 174 of 2018 dated 20.05.2018.

State has submitted a memo of evidence which reflects that on 07.02.2023, date has been fixed for consideration of charges by the learned jurisdictional Sessions Court. Let the same be kept on record.

The grievance of the petitioner is that he has been implicated falsely in this case and there is a mistaken identity involved. To that extent the petitioner earlier approached this court and in CRR 1539 of 2020, a co-ordinate Bench of this court was pleased to direct the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad to conduct an enquiry. The said order was brought to the notice of the

court on 17th December, 2020. The learned court after hearing the learned advocate for the present petitioner as also the learned Additional Public Prosecutor was pleased to direct an enquiry to be conducted and also directed the Pradhan, Umrapur Gram Panchayat to appear personally before the court with certificate or any documentary proof. The next date was fixed on 20th January, 2021 for appearance of the Panchayat Pradhan and on 20th January, 2021 the said Panchayat Pradhan appeared and he filed certificate as also a copy of the voters list to corroborate his statement/averment that Santosh Mandal, son of late Biswanath Mandal and Kata Mondal, son of late Manglu Mondal are same and identical person.

In view of the aforesaid, the learned Magistrate concluded that Santosh Mandal, son of late Biswanath Mandal and Kata Mondal, son of late Manglu Mondal are same and identical person.

The subsequent plea taken up by the petitioner is that on the said date i.e., 20th January, 2021, the learned advocate could not be represented and that was inadvertently because a mistaken date has been recorded by the learned advocate.

Having regard to the manner and mode adopted by the learned A.C.J.M, Jangipur while arriving at his conclusion regarding the identity of the present petitioner, I am of the opinion that further interference by this court is unwarranted.

The petitioner would be at liberty to produce documents in his custody to rebut the same in course of the sessions trial of the case.

With the aforesaid observations, the present revisional application being **CRR 666 of 2021** is **disposed of**.

. Pending applications, if any, are consequently dismissed..

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]