

20.04.2023

Sl. No. 15

Srimanta

Ct.No. 42

CRR/1349/2023

In the matter of : **Sanjay Malik**

Mr. Jitendra Singh Bhasin,
Mr. Nishant Shokeen,
Mr. Subhajit Karmakar,
Mr. Buddhadeb Das

...for the petitioner.

Mr. Rudradipta Nandy,
Ms. Sonali Das

...for the State.

In connection with Jalangi Police Station Case No. 391/2020 dated 12th November, 2020 under Sections 186/188/353/34/379/413/414 of the Indian Penal Code read with Section 11 of the Prevention of Cruelty to Animals Act and the Charge-sheet No. 381/2022 dated 30th November, 2022 the petitioner has approached this Court for quashment.

It is submitted by the learned Advocate for the petitioner that in the instant case all other co-accused persons were discharged as per the final report. Only the present petitioner is charge-sheeted. It is submitted by the learned Advocate for the petitioner that the charge-sheet was filed only to wreak vengeance against him for the reasons best known to the Investigating agency.

Mr. Nandy, learned Public Prosecutor-in-Charge, on the other hand, submits that in connection with this case the petitioner has already filed an application under Section 227 of the Code of Criminal Procedure praying for discharge.

Thus, I find the petitioner has approached two forums for almost similar prayer. At this stage, it is submitted vehemently by the learned Advocate for the petitioner that

the petition for discharge was heard by the learned Additional Sessions Judge, 3rd Fast Track Court at Berhampore on 22nd and 23rd February, 2023 but till date the learned Sessions Judge has not passed any order. This is the precise reason for which the instant application has been filed.

At this stage, I do not want to pass any order except directing the learned Additional Sessions Judge, 3rd Fast Track Court to pass the order upon the application under Section 227 of the Code of Criminal Procedure within a fortnight.

The instant revision is disposed of.

The petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)