

17.5.2023

ct. 236

sk,sl. 33

C.R.R. 1527 of 2011

In the matter of : Ashis Singha

This is an application under Section 482 of the Criminal Procedure Code filed by the petitioner challenging the legality of the proceeding in G.R.Case No. 250 of 2009 corresponding to Suri Police Station Case No. 95 of 2009.

Briefly stated, Smt. Jhuma Das set the criminal proceeding into motion by informing the Officer-in-Charge, Suri Police Station that on 26th of April, 2009 at about 2.10 p.m. she went to her mother to give her food. At that point of time, Ashis Singha and Apurna Dutta attacked her mother and assaulted her. Her mother lost her sense. She was taken to Suri Hospital for treatment. The information since disclosed an offence cognizable in nature, Officer-in-Charge of Suri Police Station registered the case. Police took up investigation and submitted a charge-sheet against the accused persons under Section 341/323/325 of the Indian Penal Code.

By filing the application under consideration Ashis Singha prays for quashment of the charge-sheet No. 106 of 2009 dated 30th June, 2009. The petition appeared in the list of 14th July, 2011. An interim order was granted staying all further proceedings against the petitioner, Ashis Singha. Therefore, there is every reason to presume that the

proceeding is going on or has come to an end as against Apurna Dutta.

Under such circumstances, I do not find any reason to invoke the provision of Section 482 of the Criminal Procedure Code. The matter pending the revisional application is disposed of, with liberty to the petitioner to appear before the learned trial court and contest the proceeding by taking all the points he has taken before this court.

Let a copy of this order be sent down to the trial court for information and necessary action.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Siddhartha Roy Chowdhury, J)